

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
FEDERAL REGISTER
OF THE UNITED STATES
1934

VOLUME 4 NUMBER 54

Washington, Tuesday, March 21, 1939

The President

CANCER CONTROL MONTH—1939

BY THE PRESIDENT OF THE UNITED STATES
OF AMERICA

A PROCLAMATION

WHEREAS Public Resolution No. 82, 75th Congress, approved March 28, 1938 (52 Stat. 148), authorizes and requests the President to issue annually a proclamation setting apart the month of April of each year as Cancer Control Month, and to invite similar action on the part of the Governors of the several States, Territories, and possessions of the United States; and

WHEREAS such Public Resolution requests that such proclamations invite the medical profession, the press, and all agencies and individuals interested in a national program for the control of the disease of cancer, by education and other cooperative means, to unite during the month of April in a public dedication to such program and in a concerted effort to impress upon the people of the Nation the necessity for such a program; and

WHEREAS through the National Cancer Institute of the United States Public Health Service, the Federal government is leading the way in advancing research, in promoting effective treatment methods and in advocating the provision of adequate facilities for cancer patients, as are the several States which have adopted programs for the control of cancer, as well as voluntary groups led by the Women's Field Army which are engaged in a nation-wide educational campaign; and

WHEREAS medical authorities have assured the American people of the curability of many cases of cancer, a disease that now ranks second among the causes of death in the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby set apart the month of April, 1939, as Cancer Control Month, and invite similar action on the part of the Governors of the several

States, Territories, and possessions of the United States; and, in order that the American people may become better informed concerning the prevalence of cancer and the effective steps which can be taken to control it, I invite the medical profession, scientific groups, all organs of opinion, including the press, radio, and the motion picture industry, and all agencies and individuals interested in a national program for the control of the disease of cancer, to unite during the month of April, 1939, in a concerted effort to impress upon the people of the Nation the necessity for this program and the importance of constant vigilance in this fight for humanity.

DONE at the City of Washington this 17th day of March, in the year of our Lord nineteen hundred and thirty nine, and of the Independence of the [SEAL] United States of America the one hundred and sixty third.

FRANKLIN D. ROOSEVELT

By the President:

SUMNER WELLES

Acting Secretary of State.

[No. 2324]

[F. R. Doc. 39-929: Filed, March 20, 1939; 12:30 p. m.]

EXECUTIVE ORDER

**ESTABLISHING THE CAROLINA SANDHILLS
WILDLIFE REFUGE**

SOUTH CAROLINA

WHEREAS certain lands in the State of South Carolina have been acquired under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), and the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115); and

WHEREAS by Executive Order No. 7908, dated June 9, 1938, all the right, title, and interest of the United States in such lands was transferred to the Secre-

3 F. R. 1389 DI.

CONTENTS

THE PRESIDENT

Executive Order:	Page
Carolina Sandhills Wildlife Refuge, S. C., establishment.....	1257
Gateway, Mont., revocation of designation as customs port of entry.....	1259
Panama Canal and adjacent waters, amendment of rules governing navigation.....	1258
Proclamation:	
Cancer Control Month, 1939....	1257

**RULES, REGULATIONS,
ORDERS**

TITLE 7—AGRICULTURE:	
Agricultural Adjustment Administration:	
New York Metropolitan Milk Marketing Area, suspension of order regulating handling of milk.....	1259
TITLE 24—HOUSING CREDIT:	
United States Housing Authority:	
Transactions and operations in United States Housing Authority securities.....	1259
TITLE 25—INDIANS:	
Office of Indian Affairs:	
Sales of Indian allotments, issuance of fee patents, etc.....	1260
TITLE 33—NAVIGATION AND NAVIGABLE WATERS:	
War Department:	
Bridge regulations:	
Contentnea Creek, N. C.....	1261
South River, N. C.....	1260
TITLE 43—PUBLIC LANDS:	
Bureau of Reclamation:	
North Platte Irrigation Project, public notice.....	1261
Office of Secretary of Interior; Division of Grazing:	
Colorado Grazing District No. 3, modification.....	1261
TITLE 47—TELECOMMUNICATION:	
Federal Communications Commission:	
Allocation of frequencies, amendment of.....	1261
(Continued on next page)	



FEDERAL REGISTER

Published by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. L. 500), under regulations prescribed by the Administrative Committee, with the approval of the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

The daily issue of the FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for \$1 per month or \$10 per year; single copies 10 cents each; payable in advance. Remit by money order payable to Superintendent of Documents, Government Printing Office, Washington, D. C.

Correspondence concerning the publication of the FEDERAL REGISTER should be addressed to the Director, Division of the Federal Register, The National Archives, Washington, D. C.

CONTENTS—Continued

TITLE 49—TRANSPORTATION AND RAILROADS:	
Interstate Commerce Commission:	Page
Transportation of explosives, tank car construction (Union Tank Car Co.)	1266
NOTICES	
Civil Aeronautics Authority:	
National Airlines, Inc., issuance of certificates of public convenience and necessity	1276
Department of Agriculture:	
Agricultural Adjustment Administration:	
Cincinnati, Ohio, Marketing Area, hearing on amendment of agreement and order regulating handling of milk	1276
Thomas County, Kans., 1939 agricultural conservation program bulletin	1268
Tomatoes grown in East Texas, hearing on proposed marketing agreement and order	1275
Department of Labor:	
Division of Public Contracts:	
Paper and Pulp Industry, wage hearing	1276
Wage and Hour Division:	
Change in date of hearing on amendments relative to area of production	1276
Federal Trade Commission:	
Orders appointing examiner, etc.:	
Floral Art Card Co., Inc.	1277
Kolynos Co.	1277

CONTENTS—Continued

Federal Trade Commission—Con.	
Orders appointing examiner, etc.—Continued.	Page
Simon, Alfonso M., Jr., and Phyllis Schuster, doing business as Metropolitan Publishing Co.	1278
Watkins, R. L., Co.	1277
Securities and Exchange Commission:	
Allentown-Bethlehem Gas Co., issue and sale of bonds exempted	1278
Massachusetts Utilities Associates, hearing	1279
Merrimac Valley Power and Buildings Co., hearing	1279
Simon Silver-Lead Mines, Inc., additional officer to take evidence at hearing	1278
Southern Natural Gas Co., effectiveness of declaration	1278
Treasury Department:	
Federal Alcohol Administration Division:	
Hearing on amendments to regulations on labeling and advertising of distilled spirits (storing of brandies)	1267

tary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525), and the related provisions thereof; and

WHEREAS it appears that the reservation of such lands as a wildlife refuge would be in the public interest:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 32, Title III of the said Bankhead-Jones Farm Tenant Act, and as President of the United States, it is ordered that the lands acquired by the United States within the areas delineated on the diagram attached hereto and made a part hereof, in Chesterfield County, South Carolina, be, and they are hereby, reserved and set apart, subject to valid rights, for the use of the Department of Agriculture as a refuge and breeding ground for migratory birds and other wildlife: *Provided*, That any private lands within the area delineated shall become a part of the refuge hereby established upon the acquisition of title thereto or control thereof by the United States.

It is unlawful for any person to hunt, trap, capture, wilfully disturb, or kill any bird or wild animal of any kind whatsoever within the limits of the refuge, or to enter thereon, except under such rules and regulations as may be prescribed by the Secretary of Agriculture.

* See page 1259.

This reservation shall be known as the Carolina Sandhills Wildlife Refuge.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 17, 1939.

[No. 8067]

[F. R. Doc. 39-917; Filed, March 18, 1939; 11:55 a. m.]

EXECUTIVE ORDER

AMENDMENT OF RULES 17 AND 18 OF EXECUTIVE ORDER NO. 4314 OF SEPTEMBER 25, 1925, ESTABLISHING RULES GOVERNING NAVIGATION OF THE PANAMA CANAL AND ADJACENT WATERS

By virtue of and pursuant to the authority vested in me by sections 411 and 412 of title 2 of the Canal Zone Code, approved June 19, 1934, Rules 17 and 18 of Executive Order No. 4314 of September 25, 1925, establishing rules governing the navigation of the Panama Canal and adjacent waters, are hereby amended to read as follows:

"Rule 17. *Tolls exemption for vessels transiting for repairs.* Vessels transiting and re-transiting the Panama Canal by prearrangement with the Canal authorities for the sole purpose of having repairs made at the drydocks or shops operated by The Panama Canal shall be exempt from the payment of tolls, but shall pay charges for pilotage, towage, and other services incidental to such transits, at rates to be determined from time to time by the Governor of the Panama Canal: *Provided, however*, That in case a vessel, after having made a transit for repairs as hereinbefore provided in this section, shall fail to re-transit the Canal to the point of beginning, or shall, at the point of termination of the original transit, receive or discharge cargo, passengers, mail, or baggage, or accomplish any other purpose, other than to obtain repairs, for which vessels usually transit the Canal, tolls shall be collected for the transit at the prescribed rates before such vessel shall be given a clearance and be permitted to proceed."

"Rule 18. *Tolls for vessels making partial transit and return.* Vessels passing through the locks at either end of the Panama Canal and returning to the original point of entry without passing through the locks at the other end of the Canal, shall pay the tolls prescribed for a single passage through the Canal. In case such vessels carry cargo or passengers either in passing or returning through the locks, the rate of tolls on laden vessels shall apply."

SEC. 2. *Effective date.* This Order shall take effect on April 1, 1939.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 20, 1939.

[No. 8068]

[F. R. Doc. 39-923; Filed, March 20, 1939; 11:14 a. m.]

EXECUTIVE ORDER

REVOKING THE DESIGNATION OF GATEWAY,
MONTANA, AS A CUSTOMS PORT OF
ENTRY

By virtue of and pursuant to the authority vested in me by the act of August 1, 1914, 38 Stat. 609, 623 (U. S. C., title 19, sec. 2), it is ordered that the designation of Gateway, Montana, as a customs port of entry in Customs Collection District No. 33 (Montana and Idaho), be, and it is hereby, revoked.

This order shall become effective at the close of business on March 31, 1939.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,
March 20, 1939

[No. 8069]

[F. R. Doc. 39-922; Filed, March 20, 1939;
11:14 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE
AGRICULTURAL ADJUSTMENT
ADMINISTRATIONORDER SUSPENDING ORDER NO. 27 REGU-
LATING HANDLING OF MILK IN NEW
YORK METROPOLITAN MILK MARKETING
AREA

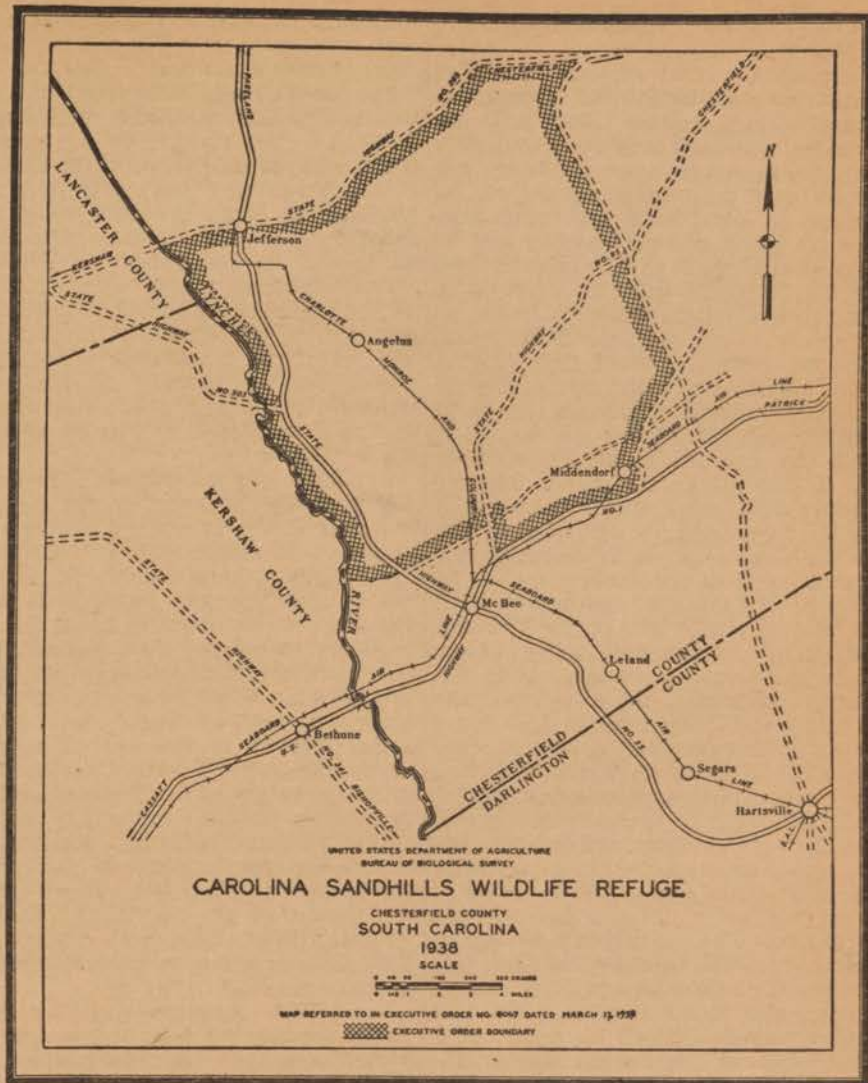
Whereas, H. A. Wallace, Secretary of Agriculture of the United States of America, pursuant to the powers and functions vested in the Secretary by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on August 5, 1938, Order No. 27¹ Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area, which order became effective September 1, 1938; and

Whereas, the decision in the case of *United States of America v. Rock Royal Cooperative, Inc., et al.*, has made impossible that uniformity of administration and enforcement contemplated by the terms and provisions of said order, and the Secretary therefore finds such order does not now tend to effectuate the declared policy of said act;

Now, therefore, H. A. Wallace, Secretary of Agriculture, pursuant to the powers and functions vested in the Secretary by the terms and provisions of said act and of said order, hereby suspends, until further order of the Secretary, said Order No. 27 Regulating the Handling of Milk in the New York Metropolitan Milk Marketing Area.

This order of suspension shall not affect, waive, suspend or terminate any

¹ 3 F. R. 1945 DI.



right, duty, obligation or liability which shall have arisen or may hereafter arise in connection with any of the terms and provisions of said order, provided such right, duty, obligation or liability was incurred prior to the effective date of this suspension. In addition, this order of suspension shall not release or waive any violation of said order occurring prior to the effective date of this suspension.

In witness whereof, I, H. A. Wallace, Secretary of Agriculture of the United States, have executed this order of suspension in duplicate, said suspension to be effective as of 11:59 p. m. e. s. t., January 31, 1939, and have caused the official seal of the Department of Agriculture to be affixed hereto in the city of Washington, District of Columbia, this 18th day of March 1939.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-919; Filed, March 18, 1939;
12:59 p. m.]

TITLE 24—HOUSING CREDIT

UNITED STATES HOUSING
AUTHORITYPART 690—REGULATIONS GOVERNING
TRANSACTIONS AND OPERATIONS IN
UNITED STATES HOUSING AUTHORITY
SECURITIES[†]

- Sec. 690.0 Content.
- Sec. 690.1 Form of securities.
- Sec. 690.2 Transactions and operations.
- Sec. 690.3 Relief on account of lost, stolen, destroyed, mutilated or defaced securities.
- Sec. 690.4 Administration.
- Sec. 690.5 Amendments.

SEC. 690.0 *Content.* This Part contains the regulations governing the issuance of United States Housing Authority bonds, notes, and other similar obligations (hereinafter referred to as securities); the payment of interest thereon; the granting of relief on account of loss, theft, destruction, mutilation, or defacement thereof; and other

transactions and operations therein.* [Preamble†]

SEC. 690.1. *Form of securities.* The securities shall be in such forms and denominations, mature within such periods not exceeding sixty years from date of issue, bear such rates of interest not exceeding 4 per centum per annum, be subject to such terms and conditions, and be issued in such manner and be sold at such prices as may be prescribed by the Authority, with the approval of the Secretary of the Treasury, in the issuing circular for each particular series. The Authority may from time to time issue interim certificates temporarily in lieu of definitive securities, in such form and in such manner as the Authority, with the approval of the Secretary of the Treasury, may determine. The securities shall be executed in the name of the Authority and authenticated by the facsimile signature of its Administrator and the seal of the Authority shall be affixed. The principal and interest shall be payable, when due, at the Treasury Department, Washington, D. C., or at any government agency or agencies in the United States which the Secretary of the Treasury may from time to time designate for that purpose. A coupon security shall be payable to bearer and shall have attached interest coupons likewise payable to bearer representing interest payable semi-annually, such coupons being signed by the Authority by facsimile signature of its Administrator. A registered security and interest thereon shall be payable to the registered owner whose name is inscribed thereon or registered assigns. Definitive securities will be fully transferable, and those of the same class and series will be freely interchangeable as between the various authorized denominations. Unless otherwise provided by specific reference or plain context, the term "security" as used herein will be deemed to include interim certificates.* [Par. 1†]

SEC. 690. *Transactions and operations.* The United States Treasury Department will act as agent for the Authority in connection with the transactions and operations hereunder. The general regulations of the United States Treasury Department now or hereafter in force governing transactions and operations in United States bonds, outstanding from time to time, and the payment of interest thereon, are hereby adopted, so far as applicable, as the regulations of the

Authority for similar transactions and operations in its securities and the payment of interest thereon.* [Par. 2†]

SEC. 690.3 *Relief on account of lost, stolen, destroyed, mutilated or defaced securities.* The statutes of the United States and the regulations of the United States Treasury Department now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities, so far as applicable, and as necessarily modified to relate to securities of the Authority, are hereby adopted as the regulations of the Authority for the issuance of substitute securities or the payment of lost, stolen, destroyed, mutilated or defaced securities.* [Par. 3†]

SEC. 690.4 *Administration.* The Secretary of the Treasury or the Acting Secretary of the Treasury is hereby authorized and empowered, on behalf of the Authority, to administer the regulations governing any transactions and operations in securities, to do all things necessary to conduct such transactions and operations, and to delegate such authority at his discretion to other officers, employees, and agents of the United States Treasury Department. The Secretary, the Under Secretary, or any Assistant Secretary of the Treasury acting by direction of the Secretary, is hereby authorized to waive any such regulations on behalf of the Authority at his discretion in any particular case where a similar regulation of the United States Treasury Department with respect to United States bonds or interest thereon would be waived.* [Par. 4†]

SEC. 690.5 *Amendments.* The Authority reserves the right at any time or from time to time, with the approval of the Secretary of the Treasury, to revoke or amend these regulations or to prescribe and issue supplemental or amendatory rules and regulations governing securities or interest thereon.* [Par. 5†]

[SEAL]

NATHAN STRAUS,
Administrator.

Approved, January 25, 1939.

JOHN W. HANES,
Acting Secretary of the Treasury.

[F. R. Doc. 39-925; Filed, March 20, 1939;
11:34 a. m.]

TITLE 25—INDIANS

OFFICE OF INDIAN AFFAIRS

[Order No. 498 amending No. 420]

PRECLUDING FURTHER SALES OF INDIAN ALLOTMENTS, ISSUANCE OF FEE PATENTS, ETC.

FEBRUARY 24, 1939.

To all Indian Superintendents:

Order No. 420, dated August 12, 1933, and approved by the Secretary of the Interior August 14, 1933, forbade the sale of Indian trust or otherwise restricted

lands except in individual cases of great distress or emergency.

In some states, especially in Oklahoma among the Five Civilized Tribes, many Indian allotments and heirship interests in lands are taxable. It seems needless to insist that such lands be held when the allottees or their heirs are unable to pay the taxes and when the lands involved are not being used by them. A forced sale for taxes would destroy any equity which the Indians might have in the property. In many cases, too, the taxable lands are at a distance from the homes of the Indian owners, who could use the cash derived from the sale of taxable lands to improve their non-taxable homesteads and assist them towards self-support.

In view of these circumstances, Order No. 420 is hereby modified to permit the sale of taxable lands (1) which would otherwise be lost for non-payment of taxes; and (2) whose sale, if allowed, would yield cash or commodities for the improvement of the Indian vendor's economic position. Applications for fee patents or for the removal of restrictions will be submitted as heretofore for the approval of the Secretary of the Interior.

Please acknowledge receipt of this order.

JOHN COLLIER,
Commissioner.

Approved, March 3, 1939.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 39-908; Filed, March 18, 1939;
10:45 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

WAR DEPARTMENT

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 203—BRIDGE REGULATIONS

South River, N. C.

203.352 *South River, N. C.; bridge of Atlantic Coast Line Railroad Company at Royal, N. C.* (a) The owner of, or agency controlling, the bridge will not be required to keep a draw tender in constant attendance at the above-named bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of, or agency controlling, the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of, or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time

¹ These regulations are supplemental to title 33, Code of Federal Regulations.

*Sections 690.0 to 690.5 issued under the authority contained in Sec. 8, 50 Stat. 891; 42 U. S. C., Sup. IV, 1408 and in Sec. 20, 50 Stat. 898, as amended by Sec. 602, 52 Stat. 820; 42 U. S. C., Sup. IV, 1420.

†In Sections 690.1 to 690.5, the numbers to the right of the decimal point correspond with the respective paragraph numbers in USHA Regulations Governing Transactions and Operations in United States Housing Authority Securities, prescribed by the United States Housing Authority and approved by the Acting Secretary of the Treasury January 25, 1939. The source of Section 690.0 is the preamble of the Regulations.

specified in the notice for the passage of the vessel.

(d) The owner of, or agency controlling, the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can easily be read at any time a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

(f) These regulations are supplemental to the "Rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries," and shall take effect and be in force on and after March 15, 1939. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U. S. C. 499) [Special regs., March 9, 1939 (E. D. 6371 (Atlantic Coast Line R. R.-South River, N. C.)-1/3)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-910; Filed, March 18, 1939; 10:45 a. m.]

CHAPTER II—RULES RELATING TO NAVIGABLE WATERS

PART 203—BRIDGE REGULATIONS

Contentnea Creek, N. C.

203.353 *Contentnea Creek, N. C.; bridge of Atlantic Coast Line Railroad Company at Grifton, N. C.* (a) The owner of, or agency controlling, the bridge will not be required to keep a draw tender in constant attendance at the above-named bridge.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of the owner of, or agency controlling, the bridge.

(c) Upon receipt of such notice, the authorized representative of the owner of, or agency controlling the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of, or agency controlling, the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge in such manner that it can easily be read at any time a copy of these regulations together with a notice stating exactly how the

representative specified in paragraph (b) may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed at least once each quarter to make certain that the machinery is in proper order for satisfactory operation.

(f) These regulations are supplemental to the "Rules and regulations to govern the operation of drawbridges crossing all navigable waterways of the United States discharging their waters into the Atlantic Ocean south of and including Chesapeake Bay and the Gulf of Mexico, excepting the Mississippi River and its tributaries," and shall take effect and be in force on and after March 15, 1939. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U. S. C. 499) [Special regs., March 9, 1939 (E. D. 6371 (Atlantic Coast Line R. R.-Contentnea Creek)-3)]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 39-911; Filed, March 18, 1939; 10:46 a. m.]

TITLE 43—PUBLIC LANDS

OFFICE OF SECRETARY OF INTERIOR; DIVISION OF GRAZING

COLORADO GRAZING DISTRICT No. 3

MODIFICATION

MARCH 13, 1939.

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended by the act of June 26, 1936 (49 Stat. 1976), the Departmental order of April 8, 1935, establishing Colorado Grazing District No. 3, is hereby revoked as far as it affects the following-described land:

COLORADO

New Mexico Principal Meridian

- T. 45 N., R. 7 W., secs. 4 to 9 and 16 to 20 inclusive.
- T. 46 N., R. 7 W., secs. 16 to 21 and 27 to 34 inclusive.
- T. 44 N., R. 8 W., secs. 2 to 11 inclusive, secs. 13, 14, 17, and 18.
- T. 45 N., R. 8 W., secs. 1 to 24 and 26 to 36 inclusive.
- T. 46 N., R. 8 W., secs. 13 to 36 inclusive.
- T. 44 N., R. 9 W., secs. 1 to 18 inclusive.
- T. 45 N., R. 9 W., all.
- T. 46 N., R. 9 W., secs. 13 to 36 inclusive.
- T. 44 N., R. 10 W., secs. 1 to 21 and 28 to 33 inclusive.
- T. 45 N., R. 10 W., all.
- T. 46 N., R. 10 W., secs. 13 to 15 and 22 to 28 inclusive, E½ sec. 29, secs. 31 to 36 inclusive.
- T. 44 N., R. 11 W., secs. 1 to 3 and 8 to 17 inclusive.
- T. 45 N., R. 11 W., secs. 1, 2, 11 to 14 and 23 to 26 inclusive, 35, 36.
- T. 46 N., R. 11 W., secs. 35 and 36.

This order shall become effective May 1, 1939.

E. K. BURLEW,
Acting Secretary of the Interior.

[F. R. Doc. 39-907; Filed, March 18, 1939; 10:45 a. m.]

BUREAU OF RECLAMATION

[No. 51]

NORTH PLATTE IRRIGATION PROJECT

PUBLIC NOTICE

MARCH 8, 1939.

Water rental charges for State lands within the project but not subject to assessment by an irrigation district. Non-assessable State lands will be furnished water during the irrigation season of 1939 and thereafter until further notice upon the prepayment of a water rental charge to the irrigation district in which situated equal to the charge announced by the district for irrigation service plus fifty cents (\$0.50) per acre-foot. The extra charge of fifty cents (\$0.50) per acre-foot shall be collected by the irrigation district and remitted to the Bureau of Reclamation, Washington, D. C.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 39-909; Filed, March 18, 1939; 10:46 a. m.]

TITLE 47—TELECOMMUNICATION

FEDERAL COMMUNICATIONS COMMISSION

AMENDMENT OF ALLOCATION OF FREQUENCIES

The Commission, on March 13, 1939, entered the following order:

It is ordered, That Commission order No. 19, as amended,¹ be further amended, in so far as it allocates the frequencies above 30,000 kc. to incorporate these determinations, effective 3:00 a. m., E. S. T., April 13, 1939, in accordance with the table identified as Part II of Rule 229 (C. F. R. Sec. 23.03) attached hereto and made a part of this order: *Provided, however,* That all outstanding instruments of authorizations, except those relating to the broadcast service, affected by the terms of this order shall be extended to October 1, 1939; and renewal applications therefor shall be submitted sixty (60) days prior to such extended date for frequencies in conformity with this order: *Provided further,* That applicants for new instruments of authorization after the effective date of this order shall apply for frequency assignments in accordance herewith.

The above-mentioned table reads as follows:

EXTRACTS FROM FREQUENCY ALLOCATIONS

PART II

30,000-300,000 Kilocycles, Inclusive

RULE 229 (C. F. R. Sec. 23.03) Subject to the foregoing provisions, the

¹ 3 F. R. 1072 DI.

¹ These regulations are supplemental to Title 33, Code of Federal Regulations.

center frequency will be designated as follows:¹

Frequency (kc.):	Allocation
30,020	Government.
060	Do.
100	Do.
140	Do.
180	Do.
220	Do.
260	Do.
300	Do.
340	Do.
380	Do.
420	Do.
460	Do.
500	Do.
540	Coastal and Ship Harbor.
580	Police.
620	Geophysical and Motion Picture.
660	Experimental.
700	Police.
740	Fixed.
780	Do.
820	Relay Broadcast.
860	Relay Press.
900	Government.
940	Forestry.
980	Police.
31,020	Special Services and Experimental.
060	Geophysical and Motion Picture.
100	Police.
140	Experimental.
180	Special Services and Experimental.
220	Relay Broadcast.
260	Coastal and Ship Harbor.
300	Government.
340	Forestry.
380	Fixed.
420	Do.
460	Special Emergency.
500	Police.
540	Special Services and Experimental.
580	Forestry.
620	Relay Broadcast.
660	Coastal and Ship Harbor.
700	Government.
740	Special Emergency.
780	Police.
820	Fixed.
860	Do.
900	Police.
940	Forestry.
980	Relay Press.
32,020	Government.
060	Do.
100	Do.
140	Do.
180	Do.
220	Do.
260	Do.
300	Do.
340	Do.
380	Do.
420	Do.
460	Do.
500	Do.
540	Do.
580	Do.
620	Do.
660	Do.
700	Do.
740	Do.
780	Do.
820	Do.
860	Do.
900	Do.
940	Do.
980	Do.
33,020	Relay Press.
060	Special Emergency.
100	Police.
140	Fixed.
180	Do.
220	Police.
260	Relay Press.
300	Government.

Frequency (kc.):	Allocation
33,340	Experimental.
380	Relay Broadcast.
420	Aviation.
460	Special Services and Experimental.
500	Police.
540	Geophysical and Motion Picture.
580	Relay Press.
600	Fixed. ²
620	Special Services and Experimental.
660	Aviation.
700	Government.
740	Relay Broadcast.
780	Police.
820	Special Emergency.
860	Fixed.
900	Do.
940	Police.
980	Relay Press.
34,020	Government.
060	Do.
100	Do.
140	Do.
180	Do.
220	Do.
260	Do.
300	Do.
340	Do.
380	Do.
420	Do.
460	Do.
500	Do.
540	Do.
580	Do.
620	Do.
660	Do.
700	Do.
740	Do.
780	Do.
820	Do.
860	Do.
900	Do.
940	Do.
980	Do.
35,020	Relay Broadcast.
060	Experimental.
100	Police.
140	Special Emergency.
180	Relay Press.
200	Fixed. ²
220	Police.
260	Relay Broadcast.
300	Government.
340	Coastal and Ship Harbor.
380	Fixed.
420	Do.
460	Special Services and Experimental.
500	Police.
540	Geophysical and Motion Picture.
580	Marine Fire.
620	Relay Broadcast.
660	Coastal and Ship Harbor.
700	Government.
740	Forestry.
780	Police.
820	Relay Broadcast.
860	Intership.
900	Police.
940	Forestry.
980	Relay Press.
020	Government.
36,000	Fixed. ²
060	Do.
100	Do.
140	Do.
180	Do.
220	Do.
260	Do.
300	Do.
340	Do.
380	Do.
420	Do.
460	Do.
500	Do.
540	Do.
580	Do.
620	Do.
660	Do.
700	Do.
740	Do.
780	Do.

Frequency (kc.):	Allocation
36,820	Government.
860	Do.
900	Do.
940	Do.
980	Do.
37,020	Relay Broadcast.
060	Special Services and Experimental.
100	Police.
140	Special Services and Experimental.
180	Special Emergency.
220	Police.
260	Coastal and Ship Harbor.
300	Government.
340	Relay Broadcast.
380	Police.
400	Fixed. ²
420	Relay Press.
460	Forestry.
500	Police.
540	Experimental.
580	Coastal and Ship Harbor.
620	Relay Broadcast.
660	Intership.
700	Government.
740	Marine Fire.
780	Police.
820	Special Emergency.
860	Aviation.
900	Police.
940	Coastal and Ship Harbor.
980	Relay Broadcast.
38,000	Fixed. ²
020	Government.
060	Do.
100	Do.
140	Do.
180	Do.
220	Do.
260	Do.
300	Do.
340	Do.
380	Do.
420	Do.
460	Do.
500	Do.
540	Do.
580	Do.
620	Do.
660	Do.
700	Do.
740	Do.
780	Do.
820	Do.
860	Do.
900	Do.
940	Do.
980	Do.
39,020	Relay Press.
060	Aviation.
100	Police.
140	Special Services and Experimental.
180	Police.
220	Coastal and Ship Harbor.
260	Relay Broadcast.
300	Government.
340	Special Emergency.
380	Police.
420	Forestry.
460	Experimental.
500	Police.
540	Special Services and Experimental.
580	Coastal and Ship Harbor.
600	Fixed. ²
620	Relay Broadcast.
660	Special Emergency.
700	Government.
740	Forestry.
780	Police.
820	Relay Broadcast.
860	Special Emergency.
900	Police.
940	Forestry.
980	Relay Press.
40,020	Government.
060	Do.
100	Do.
140	Do.
180	Do.
220	Do.
260	Do.
300	Do.
340	Do.
380	Do.
420	Do.

¹ Allocations are for information purposes only. For more detailed information regarding restrictions on the use of frequencies, consult chapter of the Rules and Regulations of this Commission dealing with the service to which the frequency is allocated.

² Available for low power fixed service in Hawaii only.

Frequency (kc.):	Allocation	Frequency (kc.):	Allocation	Frequency (kc.):	Allocation
40,460	Government.	44,000	Television Broadcast.	64,020	Government.
500	Do.	50,000	Do.	100	Do.
540	Do.	46,200	Fixed. ²	140	Do.
580	Do.	47,300	Do. ²	180	Do.
620	Do.	48,400	Do. ²	260	Do.
660	Do.	49,500	Do. ²	300	Do.
700	Do.	50,000	Television Broadcast.	340	Do.
740	Do.	56,000	Do.	380	Do.
780	Do.	56,000	Amateur.	420	Do.
820	Do.	60,000	Do.	500	Do.
860	Do.	60,020	Government.	540	Do.
900	Do.	060	Do.	580	Do.
940	Do.	100	Do.	660	Do.
980	Do.	140	Do.	700	Do.
41,000	Fixed. ²	180	Do.	740	Do.
020	Broadcast.	220	Do.	820	Do.
060	Do.	260	Do.	900	Do.
100	Do.	300	Do.	940	Do.
140	Do.	340	Do.	980	Do.
180	Do.	380	Do.	65,060	Do.
220	Do.	420	Do.	100	Do.
260	Do.	500	Do.	140	Do.
300	Do.	540	Do.	220	Do.
340	Do.	580	Do.	300	Do.
380	Do.	620	Do.	340	Do.
420	Do.	660	Do.	380	Do.
460	Do.	700	Do.	460	Do.
500	Do.	740	Do.	540	Do.
540	Do.	780	Do.	620	Do.
580	Do.	820	Do.	700	Do.
620	Do.	860	Do.	740	Do.
660	Do.	900	Do.	780	Do.
700	Do.	940	Do.	820	Do.
740	Do.	980	Do.	860	Do.
780	Do.	61,020	Do.	900	Do.
800	Fixed. ²	060	Do.	940	Do.
820	Broadcast.	100	Do.	66,000	Television Broadcast.
860	Do.	140	Do.	72,000	Do.
900	Do.	180	Do.	040	Government.
940	Do.	220	Do.	100	Do.
980	Do.	300	Do.	120	Do.
42,020	Do.	340	Do.	200	Do.
060	Do.	380	Do.	280	Do.
100	Do.	460	Do.	300	Do.
140	Do.	540	Do.	500	Do.
180	Do.	580	Do.	520	Do.
220	Do.	620	Do.	600	Do.
260	Do.	700	Do.	680	Do.
300	Do.	740	Do.	700	Do.
340	Do.	780	Do.	800	Do.
380	Do.	860	Do.	900	Do.
420	Do.	940	Do.	920	Do.
460	Do.	62,020	Do.	73,000	Do.
500	Do.	100	Do.	080	Do.
540	Do.	140	Do.	100	Do.
580	Do.	180	Do.	200	Do.
620	Do.	260	Do.	300	Do.
660	Do.	300	Do.	320	Do.
700	Do.	340	Do.	400	Do.
740	Do.	380	Do.	480	Do.
780	Do.	420	Do.	500	Do.
820	Do.	500	Do.	560	Do.
860	Do.	540	Do.	640	Do.
900	Do.	580	Do.	700	Do.
940	Do.	660	Do.	720	Do.
980	Do.	700	Do.	800	Do.
43,020	Do.	740	Do.	880	Do.
060	Do.	780	Do.	900	Do.
100	Do.	820	Do.	960	Do.
140	Do.	900	Do.	74,040	Do.
180	Do.	940	Do.	100	Do.
220	Do.	63,060	Do.	120	Do.
260	Do.	100	Do.	200	Do.
300	Do.	140	Do.	280	Do.
340	Do.	180	Do.	300	Do.
380	Do.	220	Do.	360	Do.
420	Do.	300	Do.	440	Do.
460	Do.	340	Do.	500	Do.
500	Do.	380	Do.	520	Do.
540	Do.	460	Do.	600	Do.
580	Do.	500	Do.	to	Do.
620	Do.	540	Do.	75,400	Do.
660	Do.	580	Do.	480	Do.
700	Do.	620	Do.	500	Do.
740	Do.	660	Do.	560	Do.
780	Do.	700	Do.	640	Do.
820	Do.	740	Do.	700	Do.
860	Do.	780	Do.	720	Do.
900	Do.	860	Do.	800	Do.
940	Do.	940	Do.	880	Do.
980	Do.			900	Do.
				960	Do.
				76,040	Do.
				100	Do.

² Available for low power fixed service in Hawaii only.

² Existing authorization for low power fixed service in the Territory of Hawaii to remain unchanged for the present.

Frequency (kc.):	Allocation
76,120	Government.
200	Do.
280	Do.
300	Do.
500	Do.
520	Do.
600	Do.
680	Do.
700	Do.
800	Do.
900	Do.
920	Do.
77,000	Do.
080	Do.
100	Do.
240	Do.
300	Do.
320	Do.
400	Do.
480	Do.
500	Do.
560	Do.
640	Do.
700	Do.
720	Do.
800	Do.
880	Do.
900	Do.
78,000	Television Broadcast.
84,000	Do.
84,000	Do.
90,000	Do.
90,100	Government.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
800	Do.
900	Do.
91,000	Do.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
700	Do.
800	Do.
900	Do.
92,000	Do.
100	Do.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
700	Do.
800	Do.
900	Do.
93,000	Do.
100	Do.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
700	Do.
800	Do.
900	Do.
94,000	Do.
100	Do.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
700	Do.
800	Do.
900	Do.
95,000	Do.
100	Do.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
700	Do.
800	Do.
900	Do.
96,000	Television Broadcast.
102,000	Do.
102,000	Do.
108,000	Do.

Frequency (kc.):	Allocation
108,100	Government.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
700	Do.
800	Do.
900	Do.
109,000	Do.
100	Do.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
700	Do.
800	Do.
900	Do.
110,000	Do.
100	Do.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
700	Do.
800	Do.
900	Do.
111,000	Do.
100	Do.
200	Do.
300	Do.
400	Do.
500	Do.
600	Do.
700	Do.
800	Do.
900	Do.
112,000	Amateur.
116,000	Broadcast.
116,110	Do.
230	Do.
350	Do.
470	Do.
590	Do.
710	Do.
830	Do.
950	Do.
117,070	Do.
190	Do.
310	Do.
430	Do.
550	Do.
670	Do.
790	Do.
910	Do.
118,100	Government.
300	Do.
500	Do.
700	Do.
900	Do.
119,000	Do.
100	Do.
300	Do.
500	Do.
700	Do.
900	Do.
120,000	Do.
100	Do.
300	Do.
500	Do.
700	Do.
900	Do.
121,000	Do.
300	Do.
500	Do.
700	Do.
900	Do.
122,000	Do.
100	Do.
300	Do.
500	Do.
700	Do.
900	Do.
123,000	Do.
126,000	Do.
126,100	Government (Airport traffic control).
200	Do.
300	Do.
400	Do.
500	Do.

Frequency (kc.):	Allocation
126,600	Government (Airport traffic control).
700	Do.
800	Do.
900	Do.
127,000	Do.
100	Do.
300	Do.
500	Do.
700	Do.
900	Do.
128,100	Do.
300	Do.
500	Do.
700	Do.
900	Do.
129,060	Guard Band.*
180	Do.
300	Aviation (Airport traffic control).
420	Guard Band.
540	Do.
660	Do.
780	Aviation (Airport traffic control).
900	Guard Band.
130,020	Do.
160	Do.
300	Aviation (Airport traffic control).
440	Guard Band.
580	Do.
720	Do.
860	Aviation (Airport traffic control).
131,000	Guard Band.
140	Do.
280	Do.
420	Aviation (Airport traffic control).
560	Guard Band.
700	Do.
840	Aviation (Airport traffic control).
980	Guard Band.
132,120	Fixed.
260	Broadcast.
400	Special Services and Experimental.
540	Coastal and Ship Harbor.
680	Experimental.
820	Police.
960	Broadcast.
133,100	Do.
240	Fixed.
380	Special Services and Experimental.
520	Police.
660	Special Emergency.
800	Fixed.
940	Do.
134,080	Broadcast.
220	Relay Press.
360	Experimental.
500	Police.
640	Fixed.
780	Broadcast.
920	Do.
135,060	Police.
200	Fixed.
340	Special Services and Experimental.
480	Broadcast.
620	Special Services and Experimental.
760	Broadcast.
900	Relay Press.
136,040	Fixed.
180	Police.
320	Fixed.
460	Special Emergency.
600	Fixed.
740	Broadcast.
880	Do.
137,020	Fixed.
160	Coastal and Ship Harbor.
300	Police.
440	Special Services and Experimental.
580	Marine Fire.
720	Fixed.
860	Special Services and Experimental.
138,000	Relay Press.
140	Experimental.
280	Fixed.
420	Police.

*All frequencies between 129,000 and 144,000 kc. are also available for assignment to stations in the Experimental Service in accordance with the Rules and Regulations governing that service, however, all such Instruments of Authorization will be limited to experimentation in the specific service for which the frequencies are allocated herein.

Frequency (kc.):	Allocation	Frequency (kc.):	Allocation	Frequency (kc.):	Allocation
138,560	Broadcast.	151,400	Government.	175,540	Government.
700	Do.	560	Do.	720	Do.
840	Special Services and Experimental.	720	Do.	900	Do.
980	Fixed.	880	Do.	176,080	Do.
139,120	Police.	152,040	Do.	260	Do.
260	Special Emergency.	200	Do.	440	Do.
400	Fixed.	360	Do.	620	Do.
540	Special Services and Experimental.	520	Do.	800	Do.
680	Relay Press.	680	Do.	980	Do.
820	Fixed.	840	Do.	177,160	Do.
960	Experimental.	153,000	Do.	340	Do.
140,100	Aviation.	160	Do.	520	Do.
240	Do.	320	Do.	700	Do.
380	Do.	480	Do.	880	Do.
520	Do.	640	Do.	178,060	Do.
660	Do.	800	Do.	240	Do.
800	Do.	960	Do.	420	Do.
940	Do.	154,120	Do.	600	Do.
141,080	Do.	280	Do.	780	Do.
220	Do.	440	Do.	960	Do.
360	Do.	600	Do.	179,140	Do.
500	Do.	760	Do.	320	Do.
640	Do.	920	Do.	500	Do.
780	Do.	155,080	Do.	680	Do.
920	Do.	240	Do.	860	Do.
142,060	Do.	400	Do.	180,000	Television Broadcast.
200	Do.	560	Do.	186,000	Do.
340	Do.	720	Do.	186,000	Do.
480	Do.	880	Do.	192,000	Do.
620	Do.	156,000	Television Broadcast.	192,100	Government.
760	Do.	162,000	Television Broadcast.	300	Do.
900	Do.	162,000	Television Broadcast and Experi-	500	Do.
143,040	Do.	168,000	mental. ⁵	700	Do.
180	Do.	168,040	Government.	900	Do.
320	Do.	200	Do.	193,100	Do.
460	Do.	360	Do.	300	Do.
600	Do.	520	Do.	500	Do.
740	Do.	680	Do.	700	Do.
880	Do.	840	Do.	900	Do.
144,000	Government.	169,000	Do.	194,100	Do.
220	Do.	160	Do.	300	Do.
360	Do.	320	Do.	500	Do.
500	Do.	480	Do.	700	Do.
640	Do.	640	Do.	900	Do.
780	Do.	800	Do.	195,100	Do.
920	Do.	960	Do.	300	Do.
145,060	Do.	170,140	Do.	500	Do.
200	Do.	320	Do.	700	Do.
340	Do.	500	Do.	900	Do.
480	Do.	680	Do.	196,100	Do.
620	Do.	860	Do.	300	Do.
760	Do.	171,040	Do.	500	Do.
900	Do.	220	Do.	700	Do.
146,040	Do.	400	Do.	900	Do.
180	Do.	580	Do.	197,100	Do.
320	Do.	760	Do.	300	Do.
460	Do.	940	Do.	500	Do.
600	Do.	172,120	Do.	700	Do.
740	Do.	300	Do.	900	Do.
880	Do.	480	Do.	198,100	Do.
147,020	Do.	660	Do.	300	Do.
160	Do.	840	Do.	500	Do.
300	Do.	173,020	Do.	700	Do.
440	Do.	200	Do.	900	Do.
580	Do.	380	Do.	199,100	Do.
720	Do.	560	Do.	300	Do.
860	Do.	740	Do.	500	Do.
148,000	Do.	920	Do.	700	Do.
140	Do.	174,100	Do.	900	Do.
280	Do.	280	Do.	200,100	Do.
420	Do.	460	Do.	300	Do.
560	Do.	640	Do.	500	Do.
700	Do.	820	Do.	700	Do.
840	Do.	175,000	Do.	900	Do.
980	Do.	180	Do.	201,100	Do.
149,120	Do.	360	Do.	300	Do.
260	Do.			500	Do.
400	Do.			700	Do.
540	Do.			900	Do.
680	Do.			202,100	Do.
820	Do.			300	Do.
960	Do.			500	Do.
150,120	Do.			700	Do.
280	Do.			900	Do.
440	Do.			203,100	Do.
600	Do.			300	Do.
760	Do.			500	Do.
920	Do.			700	Do.
151,080	Do.			900	Do.
240	Do.			204,000	Television Broadcast.
				210,000	Do.

⁵ Frequencies within this band are available on a temporary basis only for general or specific research and experimentation of the radio art along lines which are not specifically directed toward any established service. The holder of any instrument of authorization for any frequency or frequencies in this band will be required to vacate such frequency or frequencies if operation thereon results in interference to any television station authorized to use the band. The frequencies for experimental stations begin at 162,080 kc. and are available by steps of 160 kc. ending with 167,840 kilocycles.

Frequency (kc.):	Allocation
210,000	Television Broadcast and Experi-
216,000	mental. ^a
216,110	Government.
330	Do.
550	Do.
770	Do.
990	Do.
217,210	Do.
430	Do.
650	Do.
870	Do.
218,090	Do.
310	Do.
530	Do.
750	Do.
970	Do.
219,190	Do.
410	Do.
630	Do.
850	Do.
220,070	Do.
290	Do.
510	Do.
730	Do.
950	Do.
221,170	Do.
390	Do.
610	Do.
830	Do.
222,050	Do.
270	Do.
490	Do.
710	Do.
930	Do.
223,150	Do.
370	Do.
590	Do.
810	Do.
224,000	Amateur.
230,000	Do.
360	Do.
600	Do.
840	Do.
231,080	Do.
320	Do.
560	Do.
800	Do.
232,040	Do.
280	Do.
520	Do.
760	Do.
233,000	Do.
240	Do.
480	Do.
720	Do.
234,000	Television Broadcast.
240,000	Do.
240,000	Do.
246,000	Do.
246,120	Government.
360	Do.
600	Do.
840	Do.
247,080	Do.
320	Do.
560	Do.
800	Do.
248,040	Do.
280	Do.
520	Do.
760	Do.
249,000	Do.
240	Do.
480	Do.
720	Do.
860	Do.
250,220	Do.
480	Do.
250,740	Do.

^aFrequencies within this band are available on a temporary basis only for general or specific research and experimentation of the radio art along lines which are not specifically directed toward any established service. The holder of any instrument of authorization for any frequency or frequencies in this band will be required to vacate such frequency or frequencies if operation thereon results in interference to any television station authorized to use the band. The frequencies for experimental stations begin at 210,110 kc. and are available by steps of 220 kc. ending with 215,830 kilocycles.

Frequency (kc.):	Allocation
251,000	Government.
260	Do.
520	Do.
780	Do.
252,040	Do.
300	Do.
560	Do.
820	Do.
253,080	Do.
340	Do.
600	Do.
860	Do.
254,120	Do.
380	Do.
640	Do.
900	Do.
255,160	Do.
420	Do.
680	Do.
940	Do.
256,200	Do.
460	Do.
720	Do.
980	Do.
257,240	Do.
500	Do.
760	Do.
258,000	Television Broadcast.
264,000	Television Broadcast and Experi-
264,000	mental. ^a
270,000	Government.
270,140	Do.
420	Do.
700	Do.
980	Do.
271,260	Do.
540	Do.
820	Do.
272,100	Do.
380	Do.
660	Do.
940	Do.
273,220	Do.
500	Do.
780	Do.
274,060	Do.
340	Do.
620	Do.
900	Do.
275,180	Do.
460	Do.
740	Do.
276,020	Do.
300	Do.
580	Do.
860	Do.
277,140	Do.
420	Do.
700	Do.
980	Do.
278,260	Do.
540	Do.
820	Do.
279,100	Do.
380	Do.
660	Do.
940	Do.
280,020	Do.
300	Do.
580	Do.
860	Do.
281,040	Do.
320	Do.
600	Do.
880	Do.
282,000	Television Broadcast.
288,000	Do.
288,000	Do.
294,000	Do.

^aFrequencies within this band are available on a temporary basis only for general or specific research and experimentation of the radio art along lines which are not specifically directed toward any established service. The holder of any instrument of authorization for any frequency or frequencies in this band will be required to vacate such frequency or frequencies if operation thereon results in interference to any television station authorized to use the band. The frequencies for experimental stations begin at 264,130 kc. and are available by steps of 260 kc. ending with 269,850 kc.

Frequency (kc.):	Allocation
294,150	Government.
450	Do.
750	Do.
295,050	Do.
350	Do.
650	Do.
950	Do.
296,250	Do.
550	Do.
850	Do.
297,150	Do.
450	Do.
750	Do.
298,050	Do.
350	Do.
650	Do.
950	Do.
299,250	Do.
550	Do.
850	Do.

(Sec. 4 (i), 48 Stat. 1066; 47 U. S. C. 154 (i)) [Rule 229, Order No. 19, F. C. C., Oct. 13, 1937, as amended Aug. 2, 1938, as further amended on March 13, 1939]

By the Commission.

[SEAL]

T. J. SLOWIE,
Secretary.

[F. R. Doc. 39-912; Filed, March 18, 1939;
10:46 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

INTERSTATE COMMERCE COMMISSION

[No. 3666]

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

APPLICATION FOR AUTHORITY TO CONSTRUCT
FOR EXPERIMENTAL SERVICE IN THE
TRANSPORTATION OF PETROLEUM PROD-
UCTS ONE HUNDRED TANK-CAR TANKS
FABRICATED BY FUSION WELDING
GRANTED¹

Supplemental Report of the
Commission²

McMANAMY, Commissioner:

In our several prior reports we granted upon applications therein considered authority to build and use for experimental transportation of dangerous articles other than explosives a total of 607 tank cars equipped with tanks fabricated by fusion welding but otherwise conforming to I. C. C. shipping container specifications.

By application filed with the Association of American Railroads on February 15, 1939, and transmitted to us, we are asked to authorize Union Tank Car Company to construct one hundred (100) further cars conforming to current I. C. C. specification 105A300 for tank cars, except that tanks will be fabricated by fusion welding instead of

¹A. E. Smith for Union Tank Car Company.

²Under the authority of section 17 (6) of the Interstate Commerce Act, the above entitled matter was referred by the Commission to Commissioner McManamy for consideration and disposition. Decided March 13, 1939.

forge welding; cars to be used in further service tests in the transportation of petroleum products. Riveted anchors will be used.

Applicant states that tanks will have capacity of 11,000 gallons, all features of design of cars have been passed upon as satisfactory by the Association, construction will conform to all effective requirements, and of the total or six hundred seven fusion-welded cars previously authorized, two hundred twenty four are in service. Applicant further states that service trials and periodical inspections show all cars in use to be in good condition after 6,630 trips over a total of 4,947,887 miles. The Bureau of Explosives and the Association recommend favorable action on the application.

Upon further consideration of the record and in the light of added facts disclosed, construction and use of one hundred (100) additional tanks of tank cars, in accordance with current I. C. C. specification 105A300, is forthwith authorized for transportation of petroleum products, provided that tanks may have riveted anchors, may be fusion welded instead of forge welded, and must be constructed and marked in compliance with proposed revised I. C. C. specification 105A300W, filed as an exhibit at the hearing herein and referred to in our prior reports.

In all respects other than as provided for herein the regulations for the transportation of petroleum products are and shall remain in full force and effect.

Owners or operators of cars shall make semiannual inspections of the tanks authorized herein and report their condition to the same parties as receive reports required by I. C. C. specification 105A300.

By the Commission, Commissioner McManamy.

[SEAL]

W. P. BARTEL,
Secretary.

[F. R. Doc. 39-921; Filed, March 20, 1939;
9:56 a. m.]

Notices

TREASURY DEPARTMENT.

Federal Alcohol Administration Division.

NOTICE OF HEARING WITH REFERENCE TO
PROPOSED AMENDMENTS TO REGULATIONS
NO. 5, RELATING TO LABELING AND AD-
VERTISING OF DISTILLED SPIRITS

THAT STORING OF BRANDIES OF ALL TYPES
BE IN UNCHARRED OAK CONTAINERS, ETC.

MARCH 17, 1939.

Pursuant to the provisions of Section 5 of the Federal Alcohol Administration Act as amended:

Notice is hereby given of a public hearing to be held on Monday, April 24, 1939, at 10:00 a. m. at the Willard Hotel, 14th

Street and Pennsylvania Avenue, Washington, D. C., for the purpose of taking evidence with reference to the following proposed amendments to Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits:¹

1. To amend Article II, Class 4, and other pertinent provisions of the regulations, in such manner as to require.

(a) That brandies of all types be stored in uncharred oak containers, and

(b) That no product be permitted to be designated as brandy which is not removed from the cistern room of the distillery at less than 110° proof.

2. To amend Article II, Class 6, and other pertinent sections of the regulations, in such manner as to establish a minimum proof of 60 degrees for all distilled spirits marketed as cordials or liqueurs.

3. To amend Article III, Section 30 (b) (2), and other pertinent provisions of the regulations, in such manner as to simplify the procedure for securing permission to relabel distilled spirits held for sale in interstate commerce or after shipment therein.

4. To amend Article III, Section 34, and other pertinent sections of the regulations, in such manner as to require

(a) That the phrase "colored and flavored with wood chips" appear upon the labels of all classes and types of distilled spirits treated in any manner with wood chips during distillation, rectification, or storage; and

(b) That there be stated upon the labels of all Scotch type whiskey and Irish type whiskey, in direct conjunction with the class and type designation, a statement of the name of the country in which the product was produced, preceded by the words "product of" or a similar appropriate phrase.

5. To amend Article III, Section 35, and other pertinent sections of the regulations, in such manner as to require

(a) That the name of the manufacturer, bottler, or importer appearing upon the label for distilled spirits be identical with the name of the manufacturer, bottler, or importer as it appears in the permit issued to such person by the Federal Alcohol Administration—I. e., if the permit is issued in the name of "John Jones, d. b. a. Pete Smith," the name on the label may not be stated merely as "John Jones" or "Pete Smith"; and

(b) That where the bottler of the distilled spirits is a subsidiary or an affiliate of any large unit of the distilled spirits industry, or where the business of such bottler is controlled, through stock ownership or otherwise, by another person, partnership, or corporation engaged in the distilled spirits industry, the name of such bottler appearing upon the label be required to be followed immediately by a statement of the name of the parent

¹ 1 F. R. 92.

corporation, or of the person, firm, or corporation controlling the business, in substantially the form "A subsidiary of -----"; and

(c) That where the bottler of the distilled spirits operates under a name which contains the words "Distillery," "Distilling Company," or similar words implying that the company is engaged in the manufacture of distilled spirits, the labels upon all distilled spirits bottled by such company be required to bear a statement of the name and address of the actual distiller, unless the spirits contained in the package were in fact distilled by the bottler; and

(d) That where Scotch whiskey, rum, and other distilled spirits are imported in bulk and bottled in the United States, the name and address of the importer and the domestic bottler be required to appear upon the brand label, preceded by a phrase indicating the fact that the whiskey has been domestically bottled; and

(e) That where Scotch whiskey, rum, and other distilled spirits, imported in bulk and domestically bottled, are reduced in proof in the United States at the time of bottling, a statement to that effect be required to appear in conjunction with the required name and address statement upon the brand label.

6. To amend Article III, Section 37, and other pertinent provisions of the regulations, in such manner as to permit the statement of net contents to be eliminated from the label in all cases where the net contents are displayed, by having the same legibly blown in the bottle, either on the back or on the front.

7. To amend Article III, Section 39, and other pertinent provisions of the regulations, in such manner as to prohibit the use of the term "liqueur" in connection with the labeling and advertising of any product which does not conform to the standards of identity for cordials and liqueurs.

8. To amend Article III, Section 41 (b), and other pertinent provisions of the regulations, in such manner as to permit distilled spirits bottled in bond under the Bottling in Bond Act of the United States to bear a statement upon the label and in the advertising, to the effect that such bottling in bond took place under U. S. Government supervision.

9. To amend Article III, Section 41 (b), and other pertinent provisions of the regulations, in such manner as to permit the use of the word "bond" and similar words upon the labels, and in the advertising matter, of distilled spirits which are not bottled-in-bond, provided such words are used as part of a bona fide company name, or are used in such a way as not to create any misleading impression.

10. To amend Article III, Section 41 (c), and other pertinent provisions of the regulations, in such manner as to preclude the use of the word "pure"

in any manner on any label, or in any advertising, except as part of the bona fide name of a permittee or a retailer for whom the distilled spirits are bottled, and then only where the name of such permittee or retailer appears upon the label and in the advertising in normal, unaccented-size type.

11. To amend Article VI, Section 64 (c), and other pertinent provisions of the regulations, in such manner as to permit advertisers of bottled-in-bond whiskies, whose labels carry no statement of age, to make a truthful claim of age for such whiskies in their advertisements.

12. To amend Article VII, Section 73, and other pertinent provisions of the regulations, in such manner as to require

(a) That all distilled spirits shall be packaged in cases containing six bottles, or multiples thereof, except in the case of gallon containers, which shall be packaged in cases containing three bottles; and

(b) That all distilled spirits, whether domestically manufactured, domestically bottled, or imported, be packaged in liquor bottles of the following sizes only: to wit, one gallon, one-half gallon, one quart, one pint, one-half pint, and one-eighth pint, and that the following sizes of liquor bottles presently authorized for use as containers of distilled spirits be eliminated as standards of fill: to wit, four-fifths quart, four-fifths pint, one-tenth pint, and one-sixteenth pint.

[SEAL] W. S. ALEXANDER,
Administrator.

[F. R. Doc. 39-902; Filed, March 17, 1939;
3:44 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP-1939-Thomas County, Kans.]

1939 AGRICULTURAL CONSERVATION PROGRAM BULLETIN FOR THOMAS COUNTY, KANSAS

CONTENTS

- SEC. 1. Authority, availability of funds, and applicability.
- Authority.
 - Availability of funds.
 - Applicability.
- SEC. 2. Definitions.
- Officials.
 - Areas.
 - Farms.
 - Crops and land uses.
 - Miscellaneous.
- SEC. 3. County acreage allotments and goals.
- Total soil-depleting acreage allotment.
 - Wheat allotment.
 - Soil-building goal.
- SEC. 4. Farm acreage allotments and goals.
- Total soil-depleting acreage allotment.
 - Wheat allotment.
 - Soil-building goal.
 - Wind erosion control goal.
- SEC. 5. Normal yields and productivity indexes.
- Normal yields of wheat.
 - Productivity indexes.
- SEC. 6. Soil-building practices.

SCHEDULE OF SOIL-BUILDING PRACTICES

- Practice unit equivalent—one unit.
 - Unit equivalents per acre—one unit.
 - Unit equivalents per acre—two units.
 - Unit equivalents per acre—three units.
 - Unit equivalents per acre—five units.
 - Acre equivalents per unit—two acres.
 - Acre equivalents per unit—three acres.
 - Acre equivalents per unit—four acres.
 - Acre equivalents per unit—six acres.
 - Acre equivalents per unit—eight acres.
 - Acre equivalents per unit—ten acres.
- SEC. 7. Payment for full performance.
- Acreage allotment payment.
 - Soil-building payment.
 - Wind erosion control goal payment.
- SEC. 8. Payments for partial performance.
- Wheat.
 - Total soil-depleting crops.
 - Cropping land designated under practice A-7 in 1938.
 - Failure to prevent wind and water erosion.
 - Breaking out native sod.
 - Designated wind erosion acreage.
 - Soil-building goal.
- SEC. 9. Division of payments and deductions.
- Payments and deductions in connection with acreage allotments.
 - Payments in connection with wind erosion control practices.
 - Payments and deductions in connection with soil-building practices.
 - Proration of net deductions.
- SEC. 10. Increase in small payments.
- SEC. 11. Payments limited to \$10,000.
- SEC. 12. Deductions incurred on other farms.
- Other farms in the same county.
 - Other farms in the State.
- SEC. 13. Deduction for association expenses.
- SEC. 14. General provisions relating to payments.
- Payment restricted to effectuation of purposes of the program.
 - Payment computed and made without regard to claims.
 - Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.
 - Assignments.
 - Excess cotton acreage.
 - Use of soil-conserving crops for market.
- SEC. 15. Application for payment.
- Persons eligible to file applications.
 - Time and manner of filing application and information required.
 - Applications for other farms.
- SEC. 16. Appeals.
- SEC. 17. State and regional bulletins, instructions, and forms.

SECTION 1. *Authority, availability of funds, and applicability*—(a) *Authority*. Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148), as amended, and in connection with the effectuation of the purposes of section 7 (a) of said Act in 1939, payments and grants of aid will be made for participation in the 1939 Thomas County, Kansas, Agricultural Conservation Program in accordance with the provisions hereof and such modifications thereof or other provisions as may hereafter be made.

(b) *Availability of funds*. The provisions of this program are necessarily subject to such legislation affecting said program as the Congress of the United States may hereafter enact; the making of the payments and grants of aid herein provided is contingent upon such appropriation as the Congress may hereafter provide for such purpose; and the amounts of such payments and grants

of aid will necessarily be within the limits finally determined by such appropriation, the final estimate of payments which would be made in Thomas County, Kansas, under the national 1939 Agricultural Conservation Program and the extent of participation in the 1939 Thomas County, Kansas, Agricultural Conservation Program. As an adjustment for participation in the 1939 Thomas County, Kansas, Agricultural Conservation Program, the rates of payment and deduction specified herein may be increased or decreased by as much as 10 percent.

(c) *Applicability*. The provisions of the 1939 Thomas County, Kansas, Agricultural Conservation Program contained herein are applicable only in Thomas County, Kansas.

SEC. 2. *Definitions*. For the purposes of the 1939 Thomas County, Kansas, Agricultural Conservation Program.

(a) *Officials*. (1) *Secretary* means the Secretary of Agriculture of the United States.

(2) *Administrator* means the Administrator of the Agricultural Adjustment Administration.

(3) *Regional Director* means the director of the division of the Agricultural Adjustment Administration in charge of the agricultural conservation programs in the State of Kansas.

(4) *State committee* means the group of persons designated within any State to assist in the administration of the 1939 agricultural conservation programs and the 1939 Thomas County, Kansas, Agricultural Conservation Program in the State of Kansas.

(5) *County committee* means the group of persons elected for Thomas County to assist in the administration of the 1939 Thomas County, Kansas, Agricultural Conservation Program in Thomas County.

(b) *Areas*. (1) *Western region* means the area included in the States of Arizona, California, Colorado, Idaho, Kansas, Montana, Nevada, New Mexico, North Dakota, Oregon, Utah, Washington and Wyoming.

(c) *Farms*. (1) *Farm* means all adjacent or nearby farm land under the same ownership which is operated by one person, including also:

(i) Any other adjacent or nearby farm land operated by the same person (as part of the same unit with respect to the rotation of crops and with work-stock, farm machinery, and labor substantially separate from that for any other land), the inclusion of which is requested or agreed to, within the time and in the manner specified by the Agricultural Adjustment Administration, by the operator and all the owners who are entitled to share in the proceeds of the crops on any of the land to be included in the farm, and

(ii) Any field-rented tract (whether operated by the same or another per-

son) which, together with any other land included in the farm, constitutes a unit with respect to the rotation of crops; *Provided*, That land not under the same ownership shall be included in the same farm only if the county committee determines that:

(aa) There is one crop rotation system on the entire area of land;

(bb) The yields and productivity of the different ownerships do not vary substantially;

(cc) The combination is not being made for the purpose of increasing acreage allotments or primarily for the purpose of effecting compliance; and

(dd) The several ownership tracts constitute a farming unit for the operator and will be regarded in the community as a farm in 1939.

A farm shall be regarded as located in the county or administrative area, as the case may be, in which the principal dwelling is situated, or if there is no dwelling thereon, it shall be regarded as located in the county or administrative area, as the case may be, in which the major portion of the farm is located.

(2) *Non-wheat-allotment farm means* (a) a farm for which no wheat acreage allotment is determined, (b) a farm for which a wheat acreage allotment of 8 acres or less is determined and the persons having an interest in the wheat planted on the farm elect, in accordance with instructions issued by the Agricultural Adjustment Administration, to have such farm considered as a non-wheat-allotment farm, or (c) a wind erosion farm.

(3) *Wind erosion farm means* a farm which is owned or leased by a conservation district, an association determined by the State Committee to have been organized for conservation purposes, or a state agency authorized by law to own or lease land for conservation or wind erosion control purposes.

(d) *Crops and land uses.* (1) *Acreage planted to wheat means* (i) any acreage of land devoted to seeded wheat (except when such crop is seeded in a mixture containing less than 50 percent by weight of wheat, or containing 25 percent or more by weight of rye or barley, and the seeding mixture may reasonably be expected to produce a crop containing such proportions of plants other than wheat that the crop could not be harvested as wheat for grain or seed) which is on the farm on or after December 15, 1938; (ii) any acreage of land devoted to volunteer wheat which remains on the land until May 1, 1939; and (iii) any acreage of land which is seeded to a mixture containing wheat but the crops other than wheat fail to reach maturity and the wheat is harvested for grain or hay.

(2) *Soil-depleting acreage means* the acreage of land devoted during the 1939 crop year to one or more of the following crops or uses:

(i) Corn planted for any purpose except sown or close-drilled corn used as a cover crop or green manure crop and sweet corn or popcorn grown in home gardens for use on the farm.

(ii) Grain sorghums planted for any purpose.

(iii) Broomcorn harvested for any purpose.

(iv) Potatoes planted for any purpose except when grown in home gardens for use on the farm.

(v) Annual truck and vegetable crops planted for any purpose except when grown in home gardens for use on the farm.

(vi) Perennial truck and vegetable crops harvested for any purpose except when grown in home gardens for use on the farm.

(vii) Field beans planted for any purpose.

(viii) Flax planted for any purpose.

(ix) Wheat planted (or regarded as planted) for any purpose on a farm considered as an allotment farm with respect to wheat.

(x) Wheat (on a non-wheat-allotment farm), oats, barley, rye, or mixtures of these crops harvested for grain or hay.

(xi) Sunflowers harvested for any purpose.

(xii) Sudan grass or millet harvested for grain or seed.

(xiii) Sweet sorghums when harvested for grain, seed or sirup.

(xiv) Land summer fallowed if such summer fallow is not protected from wind and water erosion by (1) pit cultivation, contour listing, strip cropping, or incorporating small grain stubble or straw into the surface soil, or (2) performing all tillage operations with implements which will create and maintain a rough cloddy or trashy surface; provided, however, the method under this item (2) shall not be approved for use on acreage which has been subject to serious wind or water erosion in recent years. On such acreages one of the methods, pit cultivation, contour listing, strip cropping, or incorporating small grain stubble or straw into the surface soil, must be carried out.

(xv) Such other similar crops and uses as may be specified by the Administrator.

(3) *General soil-depleting crops or general crops means* all crops listed in the definition of soil-depleting acreage except wheat for which separate acreage allotment is established on the farm.

(e) *Miscellaneous.* (1) *Person means* an individual, partnership, association, corporation, estate, or trust, and wherever applicable, a State, a political subdivision of a State, or any agency thereof.

(2) *Landlord or owner means* a person who owns land and rents such land to another person or operates such land.

(3) *Sharecropper means* a person who works a farm in whole or in part under the general supervision of the operator and is entitled to receive for his labor a share of a crop produced thereon or the proceeds thereof.

(4) *Tenant means* a person other than a share-cropper who rents land from another person (for cash, a fixed commodity payment, or a share of the proceeds of the crops) and is entitled under a written or oral lease or agreement to receive all or a share of the proceeds of the crops produced thereon.

(5) *Cropland means* farm land which in 1938 was tilled or was in regular rotation excluding any land which constitutes or will constitute if such tillage is continued a wind erosion hazard to the community.

(6) *Non-crop open pasture land means* pasture land (other than rotation pasture land and range land) on which the predominant growth is forage suitable for grazing, and including land on which payment was made in 1938 under soil-building practice A-7, "Restoration of Farmland to Natural Vegetative Cover."

(7) *Wind erosion land means* land designated by the county committee as land subject to serious wind erosion and on which designated practices may be carried out to meet a wind erosion control goal.

(8) *Restoration land means* land being restored to natural vegetative cover under practice A-7 of the 1938 Agricultural Conservation Program for Thomas County or under practice B-4 of the 1939 Agricultural Conservation Program for Thomas County.

SEC. 3. *County acreage allotments and goals.* The Agricultural Adjustment Administration, with the assistance of the State Committee and the approval of the Secretary, shall establish for Thomas County acreage allotments as hereinafter set forth.

(a) *Total soil-depleting acreage allotment.* The county acreage allotment of total soil-depleting crops shall be established for Thomas County by assigning to Thomas County its proportionate share of the state acreage allotment of total soil-depleting crops on the basis of the total soil-depleting acreage allotment established in connection with the 1938 Thomas County, Kansas, Agricultural Conservation Program, with due allowance for trends in acreage of soil-depleting crops, changes in area designations and crop classifications, and the relationship of the special crop acreage allotments established for 1938 to the special crop acreage allotments established for 1939.

(b) *Wheat allotment.* The county acreage allotment of wheat shall be established for Thomas County by assigning to Thomas County its proportionate share of the state acreage allotment of wheat on the basis of the acreage seeded

for the production of wheat plus the acreage diverted under agricultural adjustment and conservation programs during the ten years, 1928 to 1937, inclusive, with adjustments for abnormal weather conditions and trends in acreage in accordance with a procedure approved by the Secretary.

(c) *Soil-building goal.* Insofar as practicable, county goals shall be established for particular soil-building practices which are not routine farming practices and which are most needed in the county in order to conserve and improve soil fertility and to prevent wind and water erosion.

SEC. 4. Farm acreage allotments and goals. The county committee, with the assistance of other local committees in the county, shall establish acreage allotments and goals in accordance with provisions contained herein and instructions issued by the Agricultural Adjustment Administration. Except as otherwise provided herein the soil-depleting acreage allotments established for the farms in a county shall not exceed applicable county acreage allotments established for the county, and the sum of the acreage allotments for farms with respect to which allotments are established shall not exceed their proportionate share of the county acreage allotments.

(a) *Total soil-depleting acreage allotment.* The total soil-depleting acreage allotment for any farm shall be determined on the basis of good soil management, tillable acreage on the farm, type of soil, topography, degree of erosion, the acreage of all soil-depleting crops customarily grown on the farm, taking into consideration the wheat acreage allotment determined for the farm. The total soil-depleting acreage allotment for any farm shall be comparable with the allotments determined for other farms in the same community which are similar with respect to such factors. Total soil-depleting allotments will be established for all farms.

(b) *Wheat allotment.* Acreage allotments of wheat shall be determined for farms on which wheat has been planted for harvest in one or more of the years 1936, 1937, and 1938 on the basis of tillable acreage and crop rotation practices as reflected in the usual acreage of wheat on the farm or the ratio of wheat acreage to cropland in the community or in the county, and on the basis of the type of soil and topography. Not more than 3 percent of the county wheat acreage allotment shall be apportioned to farms in such county on which wheat was not planted for harvest in any one of the three years 1936, 1937, and 1938 on the basis of tillable acreage, crop rotation practices, type of soil and topography. The wheat acreage allotment for any farm shall be comparable with the allotment determined for other farms in the

same community which are similar with respect to such factors. Wheat acreage allotments for 1939 will be established for all farms: *Provided*, That no allotment will be established for farms with respect to which the allotment determined for the farm is or would be 8 acres or less and, in accordance with instructions issued by the Agricultural Adjustment Administration, the persons having an interest in the wheat planted on the farm elect to have such farm considered as a non-wheat-allotment farm: and *Provided, further*, That in no event shall a wheat acreage allotment be established for a wind erosion farm.

(c) *Soil-building goal.* The soil-building goal for any farm shall be one unit of soil-building practices for each \$1.00 of the soil-building payment computed for the farm under section 7, subsection (b): *Provided*, That for any wind erosion farm the soil-building goal shall not be less than one unit for each \$2.00 of the total payment computed for a wind erosion farm under section 7, subsection (a), items (1), (2), and (3) and the total payment computed for a wind erosion farm under section 7, subsection (a), items (1), (2), and (3) shall be considered as a payment in connection with soil-building practices. Notwithstanding any other provision contained herein, on farms which are all non-crop pasture land the soil-building goal expressed in units shall equal the number of dollars in the total payment computed for the farm under section 7, subsection (a), item (3), and the total payment computed for any such farm under section 7, subsection (a), item (3), shall be considered as a payment in connection with soil-building practices. Insofar as practicable, the county committee shall determine for individual farms practices to be followed in meeting the goal which are not routine farming practices on the farm, but which are needed on the farm in order to conserve and improve soil fertility and prevent wind and water erosion, and which will tend to accomplish the goals, if any, established for the county with respect to particular soil-building practices.

(d) *Wind erosion control goal.* The wind erosion control goal for a farm shall be equal to the number of acres of wind erosion land divided by the number of acres in the unit of the practice designated by the county committee for the designated wind erosion land. When more than one practice is designated for the same acreage of wind erosion land, the wind erosion control goal will be increased accordingly.

SEC. 5. Normal yields and productivity indexes—(a) *Normal yields of wheat.* The county committee with the assistance of other local committees in the county shall determine for each farm for which a wheat acreage allotment is established or a deduction is computed a normal yield for such crop in accord-

ance with the provisions of this section and instructions issued by the Agricultural Adjustment Administration.

(1) *Wheat.* (i) Where reliable records of the actual average yields per acre of wheat for the ten years 1928 to 1937, inclusive, are presented by the farmer or are available to the committee, the normal yield for the farm shall be the average of such yields adjusted for trends and abnormal weather conditions in accordance with instructions issued by the Agricultural Adjustment Administration.

(ii) If for any year of such ten-year period reliable records of the actual average yield are not available or there was no actual yield because the crop was not planted on the farm in such year, the normal yield for the farm shall be the yield which, on the basis of all the available facts, including the yield customarily made on the farm, weather conditions, type of soil, drainage, production practices, and general fertility of the land, the county committee determines to be the yield which was or could reasonably have been expected on the farm for such ten-year period. Where the productivity index most recently established for the farm in connection with the agricultural conservation programs is determined by the county committee to be an accurate reflection of the foregoing factors, the yield obtained by multiplying such index by the county average yield established by the Secretary shall be used as the normal yield for the farm.

(iii) The yields determined under subdivision (ii) of this subparagraph (1) shall be adjusted so that the average of the normal yields for all farms in the county (weighted by the wheat acreage allotments established for such farms) shall conform to the county average yield established by the Secretary.

(b) *Productivity Indexes.* A productivity index shall be determined for each farm by the county committee, subject to the approval of the State Committee, in accordance with instructions issued by the Agricultural Adjustment Administration. Such productivity index shall be based upon the normal yield per acre for the farm of the major soil-depleting crop in the county as compared with the normal yield per acre for such crop in the county. Where the yield of the major soil-depleting crop in the county does not accurately reflect the productivity of a farm, the yield of a crop that reflects the productivity of the farm may be used, provided that the productivity index for such farm shall be adjusted, if necessary, so as to be fair and equitable as compared with the productivity indexes for other farms in the county having similar soils or productive capacity, and as contrasted with other farms in the county having different soils or productive capacity.

The average productivity index for all farms for which productivity indexes are determined in the county shall not exceed 100 unless it is determined that farms for which such indexes are established are not representative of all farms in the county and a variation from 100 is approved by the Agricultural Adjustment Administration.

SEC. 6. Soil-building practices. Such of the soil-building and wind erosion control practices listed in the following schedule as are adapted shall count toward the achievement of the soil-building goal or the wind erosion control goal to the extent indicated herein, when such practices are carried out in 1939 in accordance with such specifications and such modifications thereof or additions thereto as may be issued by the regional director or by the State Committee with the approval of the regional director.

Practices designated H-3 (tillage between November 1 and December 31, 1939), I-1 (tillage between January 1 and March 15, 1939), and J-2 (tillage between March 16 and May 1, 1939), shall count only towards meeting the wind erosion control goal. Practices designated B-2 (cover crops), H-1 (leaving stalks on land), H-4 (contour listing), and I-2 (basin furrowing), may count towards meeting either the wind erosion control goal or the soil-building goal, but when approved by the county committee for meeting the wind erosion control goal, credit therefor will not be given toward meeting the soil-building goal. All other practices shall count only towards meeting the soil-building goal.

Practices carried out with labor, seed, trees, and materials furnished entirely by any State or Federal agency other than the Agricultural Adjustment Administration shall not be counted toward the achievement of the soil-building goal or the wind erosion control goal. If a portion of the labor, seed, trees, or other materials used in carrying out any practice is furnished by a State or Federal agency other than the Agricultural Adjustment Administration and such portion represents one-half or more of the total cost of carrying out such practice, such practice shall not be counted toward the achievement of the soil-building goal or the wind erosion control goal; if such portion represents less than half of the total cost of carrying out such practice, one-half of such practice shall be counted toward the achievement of the soil-building goal or the wind erosion control goal; *Provided*, That labor, seed, trees, and materials furnished to a State, a political subdivision of a State, or an agency thereof by an agency of the same State shall not be deemed to have been furnished by "any State * * * agency" within the meaning of this paragraph. No credit for meeting the soil-building goal shall be given for the planting and protection of forest trees planted under

a cooperative agreement entered into with the Forest Service in connection with the Prairie States Forestry Project.

Full credit for meeting the soil-building goal or the wind erosion control goal will be given for any of the practices listed in the following schedule which are carried out under the Department's water facilities program if the entire cost of labor, materials and equipment used in carrying out such practices is paid by the owner or operator or covered by a loan agreement executed by him. If a portion of such cost is not paid by the owner or operator or covered by a loan agreement executed by him and such portion constitutes less than one-half of such cost, one-half credit will be given. If such portion constitutes one-half or more of such cost, no credit for meeting the soil-building goal or the wind erosion control goal will be given for such practices.

Practices carried out with the use of equipment furnished by the Soil Conservation Service on wind erosion farms shall not (by virtue of the use of such equipment) be deemed to be paid for in whole or in part by a State or Federal agency.

Trees purchased from a Clark-McNary Cooperative State Nursery shall not be deemed to be paid for in whole or in part by a State or Federal agency.

SCHEDULE OF SOIL-BUILDING PRACTICES

(a) *Practice unit equivalent—one unit.* Each of the following practices in the amounts specified shall be counted as one unit.

(1) Reseeding depleted pasture land with good seed of adapted pasture grasses or legumes—10 pounds of seed.

(2) Natural reseeding of noncrop open pasture by non-grazing 40 acres of non-crop open pasture for one month.

(3) Construction of 200 linear feet of standard terrace for which proper outlets (if needed) are provided.

(4) Construction of reservoirs and dams—10 cubic yards of material moved in making the fill or excavation or 7 cubic feet of concrete or rubble masonry.

(5) Construction of 300 linear feet of ditching with a depth of one foot and a top width of four feet for the diversion and spreading of flood water or well water on crop-land, or pasture land.

(6) Removing one cubic yard of cactus plants from noncrop pasture land.

(b) *Unit equivalents per acre—one unit.* Each acre of the following shall be counted as one unit.

(1) Seeding biennial legumes.

(2) Cover crops of which a good stand and good growth is left on land as a protection against wind erosion.

(3) Leveling of hummocks created by wind erosion, where such practice has prior approval of the county committee (applicable only on wind erosion farms).

(4) Restoration of farm land to natural vegetative cover.

(c) *Unit equivalents per acre—two units.* Each acre of the following shall be counted as two units.

(1) Seeding alfalfa.

(2) Seeding permanent grasses.

(3) Cultivating, protecting, and maintaining by replanting, if necessary, a good stand of forest trees, planted between July 1, 1935 and January 1, 1939.

(4) Control of seriously infested plots of bindweed the second year on cropland or non-crop pasture land in accordance with good chemical or tillage methods.

(d) *Unit equivalents per acre—three units.* Each acre of the following shall be counted as three units.

(1) Establishment of a permanent vegetative cover by planting sod pieces of perennial grasses.

(e) *Unit equivalents per acre—five units.* Each acre of the following shall be counted as five units.

(1) Planting forest trees (including shrubs in protective plantings) provided such trees are protected and cultivated in accordance with good tree culture practice.

(2) Control of seriously infested plots of bindweed the first year on cropland or non-crop pasture land in accordance with good chemical or tillage methods.

(f) *Acre equivalents per unit—two acres.* Each two acres of the following shall be counted as one unit.

(1) Seeding wheat, rye, and/or barley for temporary pasture.

(2) Seeding Sudan grass for temporary pasture.

(g) *Acre equivalents per unit—three acres.* Each three acres of the following shall be counted as one unit.

(1) Protecting summer fallowed acreage from wind and water erosion by contour listing, pit cultivation, and strip-cropping.

(h) *Acre equivalents per unit—four acres.* Each four acres of the following shall be counted as one unit.

(1) Leaving on the land as a protection against wind erosion the stalks of sorghums, broomcorn or Sudan grass.

(2) Contour listing, deep or shallow subsoiling, or furrowing non-cropland.

(3) Tillage on wind erosion acreage during period November 1 to December 31, 1939, to prevent wind erosion.

(4) Contour listing, except when carried out on protected summer fallowed acreage or as a part of the seeding operation.

(5) Protecting summer fallowed acreage from wind and water erosion by (a) performing all tillage operations with implements which will create and maintain a rough cloddy or trashy surface or (b) incorporating stubble or straw into the surface soil.

(i) *Acre equivalents per unit—six acres.* Each six acres of the following shall be counted as one unit.

(1) Tillage between January 1 to March 15, 1939, to prevent wind erosion.

(2) Basin furrowing. No credit will be given for this practice when carried out on protected summer fallowed acreage or as a part of the seeding operations.

(3) Contour farming intertilled crops.

(j) *Acre equivalents per unit—eight acres.* Each eight acres of the following shall be counted as one unit.

(1) Pit cultivation, pits to be at least four inches in depth below surface of soil and constructed so that surface of pit covers at least 25 percent of the ground surface. No credit will be given for this practice when carried out on protected summer fallowed acreage or as a part of a seeding operation.

(2) Tillage between March 16 and May 1, 1939, to prevent wind erosion.

(3) Contour seeding of small grain crops.

(k) *Acre equivalents per unit—ten acres.* Each ten acres of the following shall be counted as one unit.

(1) Natural vegetative cover or small-grain stubble of crops harvested in 1939 left on cropland not tilled after July 1, 1939.

(2) Contour cultivation with a shallow furrowing or shovel-type implement following small-grain crop harvested in 1939, furrows being not more than 20 inches apart.

SEC. 7. Payment for full performance. Payment will be made with respect to any farm for not exceeding soil-depleting acreage allotments, for achieving soil-building goals, and for carrying out approved methods to control wind erosion on designated wind erosion acreages in an amount which shall be the sum of the following:

(a) *Acreage allotment payment.* 88 percent of the sum of (1), (2) and (3) of this subsection (a) shall be payment for meeting the acreage allotments established for the farm:

(1) *Wheat.* 12.7 cents per bushel of the normal yield per acre of wheat for the farm for each acre in the wheat acreage allotment; or, if the acreage planted to wheat is less than 80 percent of the wheat acreage allotment, payment will be computed on the normal yield of an acreage equal to 125 percent of the acreage planted to wheat unless the county committee finds that failure to plant 80 percent of such wheat acreage allotment was due to flood or drought.

(2) 80 cents per acre, adjusted by farm productivity, for the acres of cropland in excess of acres used in determining wheat payment under item (1) above.

(3) *Non-cropland.* 20 cents per acre of non-crop open pasture land in the farm.

(b) *Soil-building payment.* 12 percent of the sum of items (1), (2) and (3) of subsection (a) shall be payment for meeting the soil-building goal.

(c) *Wind erosion control goal payment.* \$1.00 per unit for each unit in the wind erosion control goal. The total number of wind erosion control units that may be designated by the county committee shall not exceed 14,000.

SEC. 8. Payments for partial performance. Payments computed for any farm under the provisions of section 7 shall be subject to all the following deductions which are applicable to the farm:

(a) *Wheat.* 50 cents per bushel of the normal yield for the farm for each acre planted to wheat in excess of the wheat acreage allotment or, if the farm is non-wheat-allotment farm, for each acre of wheat classified as soil-depleting acreage under section 2 (d) (2) (ix) and (x) in excess of 8 acres.

(b) *Total soil-depleting crops.* \$8.00 per acre, adjusted for productivity, for each acre of the soil-depleting acreage in excess of the total soil-depleting acreage allotment established for the farm plus the acreages with respect to which deductions are computed under paragraphs (a) of this section 8.

(c) *Cropping land designated under practice A-7 in 1938.* \$3.00 for each acre for which credit was given in the 1938 program under practice A-7 which is plowed or tilled in 1939 for any purpose other than tillage practices to protect the land from wind erosion or tillage operations necessary for the seeding of an approved non-depleting cover crop of which the entire growth is left on the land.

(d) *Failure to prevent wind and water erosion and to carry out conservation measures.* \$1.00 for each acre of land subject to serious wind and water erosion hazards with respect to which there are not adopted in 1939 methods recommended by the county committee for the prevention of wind and water erosion, and \$1.00 for each acre of restoration land designated in 1938 on which there are not carried out conservation measures specified by the county committee.

(e) *Breaking out native sod.* \$3.00 for each acre of native sod or any other land on which a permanent vegetative cover has been established, broken out during the period November 1, 1938, to October 31, 1939, inclusive, less the acreage broken out with the approval of the county committee as a good farming practice for which an acreage of cropland other than land under practice (b) (4) is restored to permanent vegetative cover.

(f) *Designated wind erosion acreage.* \$1.00 for each unit by which the wind erosion control goal is not reached.

(g) *Soil-building goal.* \$2.00 for each unit by which the soil-building goal for the farm is not reached.

SEC. 9. Division of Payments and Deductions—(a) Payments and deductions in connection with acreage allotments.

(1) The net payment or net deduction computed for any farm with respect to the acreage allotments shall be divided among the landlords, tenants, and share croppers in the same proportion (as indicated by their acreage shares expressed in terms of either acreages or percentages) that such persons are entitled at the time of harvest to share in the proceeds (other than a fixed commodity payment) of the soil depleting crop(s) grown on the farm in 1939: *Provided*, That if because of crop failure the harvested acreage of any such crop(s) is less than the planted acreage of such crop(s) and the county committee finds, in accordance with instructions issued by the Agricultural Adjustment Administration, that use of the harvested acreage on a basis for the division of the net payment or net deduction would result in a materially different division from that which would result from the use of the planted acreage, such net payment or net deduction shall be divided among the landlords, tenants, and share croppers in the proportion that the county committee determines that such persons would have shared in the proceeds of such crop(s) if the entire acreage planted to such crop(s) in 1939 had been harvested: *Provided, further*, That if no depleting crop(s) is/are grown on the farm in 1939, the net payment or net deduction computed with respect to acreage allotments shall be divided among landlords, tenants, and share croppers in the proportion that the county committee determines that such persons would have shared in the proceeds of depleting crops if the entire acreage in such acreage allotment had been planted and harvested in 1939: *Provided, further*, That upon the written agreement of all persons who are entitled to receive a landlord's share of the proceeds of any such crop(s), the share of each such person in the net payment or net deduction computed with respect to such crop(s) on any farm comprising separately owned tracts of land shall be determined on the basis of each such person's respective share as indicated by their acreage shares expressed in terms of either acreages or percentages) in the acreage allotments which could have been established for such crop(s) on the land in which he has an interest.

(2) In computing such net payments and such net deductions with respect to acreage allotments, the deduction with respect to (1) exceeding the wheat allotment, (2) exceeding the total acreage allotment, (3) cropping land designated under practice A-7 in the 1938 program, (4) failure to prevent wind and water erosion, (5) breaking out native sod; shall be regarded as deductions with respect to the acreage allotment payment computed under section 7.

(b) *Payments in connection with wind erosion control practices.* The net payment computed with respect to wind erosion control goal determined for any farm shall be divided equally between the owners and operators thereof unless the county committee determines that the owners and operators thereof did not contribute equally to the carrying out of methods to control the wind erosion, in which event such payment shall be divided in the proportion that the county committee determines that such owners and operators did contribute towards carrying out methods to control wind erosion.

(c) *Payments and deductions in connection with soil-building practices.*

(1) The amount of net payment earned in connection with the soil-building goal for the farm shall be made to the landlord, tenant, or sharecropper who carried out the soil-building practices. If the county committee determines that more than one such person contributed to the carrying out of soil-building practices on the farm in 1939, such payment shall be divided in the proportion that the units contributed by each such person to such practice bears to the total units of such practices carried out on the farm in 1939. All persons contributing to the carrying out of any soil-building practice on a particular acreage shall be deemed to have contributed equally to the units of such practice unless such persons establish to the satisfaction of the county committee that their respective contributions thereto were not in equal proportion, in which event such units shall be divided in the proportion which the county committee determines each such person contributed thereto.

(2) The net deduction computed with respect to the soil-building goal shall be attributed to the operator of the farm.

(d) *Proration of net deductions.* If the sum of the net payments computed for all persons on a farm exceeds the sum of the net deductions computed for all persons on such farm, the sum of the net deductions computed for all persons on such farm shall be prorated among the persons on such farm for whom a net payment is computed, on the basis of such computed net payments. If the sum of the net deductions computed for all persons on a farm equals or exceeds the sum of the net payments computed for all persons on such farm, no payment will be made with respect to such farm and the amount of such net deductions in excess of the net payments shall be prorated among the persons on such farm for whom a net deduction is computed, on the basis of such computed net deductions.

SEC. 10. *Increase in small payments.* The total payment computed under sections 7 to 9, inclusive, for any person with respect to any farm shall be increased as follows:

No. 54—3

(1) Any payment amounting to 71 cents or less shall be increased to \$1.00;

(2) Any payment amounting to more than 71 cents but less than \$1.00 shall be increased by 40 percent;

(3) Any payment amounting to \$1.00 or more shall be increased in accordance with the following schedule:

Amount of payment computed:	Increase in payment
\$1.00 to \$1.99	\$0.40
\$2.00 to \$2.99	.80
\$3.00 to \$3.99	1.20
\$4.00 to \$4.99	1.60
\$5.00 to \$5.99	2.00
\$6.00 to \$6.99	2.40
\$7.00 to \$7.99	2.80
\$8.00 to \$8.99	3.20
\$9.00 to \$9.99	3.60
\$10.00 to \$10.99	4.00
\$11.00 to \$11.99	4.40
\$12.00 to \$12.99	4.80
\$13.00 to \$13.99	5.20
\$14.00 to \$14.99	5.60
\$15.00 to \$15.99	6.00
\$16.00 to \$16.99	6.40
\$17.00 to \$17.99	6.80
\$18.00 to \$18.99	7.20
\$19.00 to \$19.99	7.60
\$20.00 to \$20.99	8.00
\$21.00 to \$21.99	8.20
\$22.00 to \$22.99	8.40
\$23.00 to \$23.99	8.60
\$24.00 to \$24.99	8.80
\$25.00 to \$25.99	9.00
\$26.00 to \$26.99	9.20
\$27.00 to \$27.99	9.40
\$28.00 to \$28.99	9.60
\$29.00 to \$29.99	9.80
\$30.00 to \$30.99	10.00
\$31.00 to \$31.99	10.20
\$32.00 to \$32.99	10.40
\$33.00 to \$33.99	10.60
\$34.00 to \$34.99	10.80
\$35.00 to \$35.99	11.00
\$36.00 to \$36.99	11.20
\$37.00 to \$37.99	11.40
\$38.00 to \$38.99	11.60
\$39.00 to \$39.99	11.80
\$40.00 to \$40.99	12.00
\$41.00 to \$41.99	12.10
\$42.00 to \$42.99	12.20
\$43.00 to \$43.99	12.30
\$44.00 to \$44.99	12.40
\$45.00 to \$45.99	12.50
\$46.00 to \$46.99	12.60
\$47.00 to \$47.99	12.70
\$48.00 to \$48.99	12.80
\$49.00 to \$49.99	12.90
\$50.00 to \$50.99	13.00
\$51.00 to \$51.99	13.10
\$52.00 to \$52.99	13.20
\$53.00 to \$53.99	13.30
\$54.00 to \$54.99	13.40
\$55.00 to \$55.99	13.50
\$56.00 to \$56.99	13.60
\$57.00 to \$57.99	13.70
\$58.00 to \$58.99	13.80
\$59.00 to \$59.99	13.90
\$60.00 to \$185.99	14.00
\$186.00 to \$199.99	(1)
\$200.00 and over	(2)

¹ Increase to \$200.00.

² No increase.

SEC. 11. *Payments limited to \$10,000.*

The total of all payments made in connection with programs for 1939 under section 8 of the Soil Conservation and Domestic Allotment Act to any individual, partnership, or estate with respect to farms, ranching units, and turpentine places located within a single State, territory, or possession, shall not exceed the sum of \$10,000. The total of all payments made in connection with programs for 1939 under section 8 of

the Soil Conservation and Domestic Allotment Act to any person other than an individual, partnership, or estate with respect to farms, ranching units, and turpentine places in the United States (including Alaska, Hawaii, and Puerto Rico) shall not exceed the sum of \$10,000.

All or any part of any payment which has been or otherwise would be made to any person under the 1939 program may be withheld or required to be returned if he has adopted or participated in adopting any scheme or device, including the dissolution, reorganization, or formation of any corporation, partnership, estate, trust, or by any other means, which was designed to evade, or would have the effect of evading, the provisions of this section.

SEC. 12. *Deductions incurred on other farms—(a) Other farms in the same county.* If the deductions computed under section 8 with respect to any farm in a county exceed the payment for full performance on such farm computed under section 7, a landlord's or tenant's share of the amount by which such deduction exceeds such payments shall be deducted from such landlord's or tenant's share of the payment which would otherwise be made to him with respect to any other farms in such county.

(b) *Other farms in the State.* If the deductions computed for a landlord or tenant with respect to one or more farms in a county exceed the payments computed for such landlord or tenant on other farms in such county, the amount of such excess deductions shall be deducted from the payments computed for such landlord or tenant with respect to any other farms in the State if the State Committee finds that the crops grown and practices adopted on the farm with respect to which such deductions are computed substantially offset the contribution to the program made on such other farms.

SEC. 13. *Deduction for association expenses.* There shall be deducted pro rata from the payments with respect to any farm all or such part as the Secretary may prescribe of the estimated administrative expenses incurred or to be incurred by the county agricultural conservation association in the county in which the farm is located.

SEC. 14. *General provisions relating to payments—(a) Payment restricted to effectuation of purposes of the program.*

(1) All or any part of any payment which otherwise would be made to any person under the 1939 program may be withheld (a) if he has adopted any practices which the Secretary determines tends to defeat any of the purposes of the 1939 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in

part, the performance for which such payment is otherwise authorized, or (c) if, with respect to forest land or woodland owned or controlled by him, he has adopted any practice which the regional director finds is contrary to sound conservation practices.

(2) No payments other than payments in connection with soil-building practices shall be computed with respect to any farm which is idle in 1939.

(3) No payment will be made to any person with respect to any farm which such person owns or operates in a county, if the county committee finds that such person has been negligent and careless in his farming operations by failing to carry out approved wind erosion control measures on land under his control to the extent that any part of such land has become a wind erosion hazard in 1939 to the community in which such farm is located.

(b) *Payment computed and made without regard to claims.* Any payment or share of payment shall be computed and made without regard to questions of title under State law, without deduction of claims for advances (except as provided in paragraph (d) of this section (14) and without regard to any claim or lien against any crop, or proceeds thereof, in favor of the owner or any other creditor.

(c) *Changes in leasing and cropping agreements, reduction in number of tenants, and other devices.* If on any farm in 1939 any change of the arrangements which existed on the farm in 1938 is made between the landlord and the tenants or share croppers and such change would cause a greater proportion of the payments to be made to the landlord under the 1939 program than would have been made to the landlord for performance on the farm under the 1938 program, payments to the landlord under the 1939 program with respect to the farm shall not be greater than the amount that would have been paid to the landlord if the arrangements which existed on the farm in 1938 had been continued in 1939, if the county committee certifies that the change is not justified and disapproves such change.

If on any farm the number of sharecroppers or share tenants in 1939 is less than the average number on the farm during the years 1936 to 1938, inclusive, and such reduction would increase the payments that would otherwise be made to the landlord, such payments to the landlord shall not be greater than the amount that would otherwise be made if the county committee certifies that the reduction is not justified and disapproves such reduction.

If the State Committee finds that any person who files an application for payment pursuant to the provisions of the 1939 program has employed any other scheme or device, the effect of which would be or has been to deprive any other person of any payment under any

agricultural conservation program to which such other person would normally be entitled, the Secretary may withhold in whole or in part from the person participating in or employing such a scheme or device, or require such person to refund in whole or in part, the amount of any payment which has been or would otherwise be made to such person in connection with the 1939 program.

(d) *Assignments.* Any person who may be entitled to any payment in connection with the 1939 program may assign his interest in such payment as security for cash loaned or advances made for the purpose of financing the making of a crop in 1939. No such assignment will be recognized unless the assignment is made in writing on Form ACP-69 in accordance with instructions (ACP-70) issued by the Agricultural Adjustment Administration.

Nothing contained in this section 14 shall be construed to give an assignee a right to any payment other than that to which the farmer is entitled nor shall the Secretary or any disbursing agent be subject to any suit or liability if payment is made to the farmer without regard to the existence of any such assignment.

(c) *Excess cotton acreage.* Any person who knowingly plants cotton on his farm in 1939 on acreage in excess of the cotton acreage allotment established for the farm for 1939 shall not be eligible for any payment under the provisions of the 1939 program. Any person having an interest in the cotton crop on a farm on which cotton is planted in 1939 on acreage in excess of the cotton acreage allotment for the farm for 1939 shall be presumed to have knowingly planted cotton on his farm on acreage in excess of such farm cotton acreage allotment if notice of the farm allotment is mailed to him prior to the completion of the planting of cotton on the farm, unless the farmer establishes the fact that the excess acreage was planted to cotton due to his lack of knowledge of the number of acres in the tract(s) planted to cotton. Such notice, if mailed to the operator of the farm, shall be deemed to be notice to all persons sharing in the production of cotton on the farm in 1939.

(f) *Use of soil-conserving crops for market.* Payment will not be made with respect to any farm unless on such farm in 1939 an acreage of cropland or restoration land, not devoted to soil-depleting crops, is withheld from the production of soil-conserving crops for market, equal to the acreage by which the normal acreage of soil-depleting crops on such farm exceeds the larger of (1) the total soil-depleting acreage allotment for the farm, or (2) the acreage devoted to soil-depleting crops on the farm in 1939: *Provided,* That payment shall not be denied any farmer for using such soil-conserving crops for market (1) if in the county in which the farm is located the number of cows kept for the pro-

duction of milk or products thereof for market does not exceed the normal number of such cows; (2) if on such farm the number of cows kept for the production of milk or the products thereof for market does not exceed the normal number of such cows; or (3) if the Agricultural Adjustment Administration determines either (a) that the farmer has substantially complied with the provisions of this paragraph, or (b) that the county, as a whole, is in substantial compliance with such provisions.

Any farmer shall be deemed to have substantially complied with the provisions of this paragraph either (1) if the increase above normal in the number of dairy cows on his farm does not exceed two cows; or (2) if none of the soil-conserving crops to which such provisions are applicable are used for market other than through the disposition of dairy livestock for slaughter or through the disposition of less than ten percent of the milk, or products thereof, produced on the farm. A county, as a whole, shall be deemed to be in substantial compliance with such provisions unless: (1) the number of cows kept for the production of milk in the county exceeds by more than five percent the normal number of such cows; (2) the acres retired from soil-depleting crops in the county exceed five percent of the normal acreage of such crops and exceed 1,000 acres; and (3) the average number of cows kept for the production of milk exceeds two cows per farm and exceeds two cows per 160 acres of farm land.

The normal acreage of soil-depleting crops and the number of cows kept for the production of milk or the products thereof for market shall be determined for any farm in accordance with instructions issued by the Agricultural Adjustment Administration, and the Agricultural Adjustment Administration shall determine from the latest available statistics of the Department, and shall announce, the counties not deemed to be in substantial compliance.

As used in this paragraph (f), the term "for market" means for disposition by sale, barter, or exchange, or by feeding (in any form) to dairy livestock which, or the products of which, are to be sold, bartered, or exchanged, and such term shall not include consumption on the farm. An agricultural commodity shall be deemed to be consumed on the farm if consumed by the farmer's family, employees, or household, or if fed to poultry or livestock other than dairy livestock on his farm, or if fed to dairy livestock on his farm and such dairy livestock, or the products thereof, are to be consumed by his family, employees, or household. As used in this paragraph (5), the term "soil-conserving crops" means grasses and legumes grown on cropland except those listed in the definition of soil-depleting acreage in section 2.

SEC. 15. *Application for payment—(a) Persons eligible to file applications.* An

application for payment with respect to a farm may be made by any person for whom, under the provisions of section 9, a share in the payment with respect to the farm may be computed and (1) who at the time of harvest is entitled to share in the crops grown on the farm under a lease or operating agreement, or (2) who is owner or operator of such farm and participates thereon in 1939 in carrying out approved soil-building practices or in carrying out conservation measures designed to promote restoration of a permanent vegetative cover on restoration land.

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office. The Secretary reserves the right (1) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if such application or any other form or information required is not submitted to the county office within the time fixed by the regional director. At least two weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

(c) *Applications for other farms.* If a person has the right to receive all or a portion of the crops or proceeds therefrom, produced on more than one farm in a county and makes application for payment with respect to one of such farms, such person must make application for payment with respect to all such farms which he operates or rents to other persons. Upon request by the State Committee any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crops or proceeds thereof.

Sec. 16. *Appeals.* Any person may, within 15 days after notice thereof is forwarded to or available to him, request the county committee in writing to reconsider its recommendation or determination with respect to any of the following matters affecting any farm in which he has an interest: (a) eligibility to file an application for payment; (b) any soil-depleting acreage allotment, usual acreage, or soil-building goal; (c) the division of payment; or (d) any other matter affecting the right to or the amount of his payment with respect to the farm. The county committee shall notify such person of its decision in writing within 15 days after receipt of such written request for reconsideration. If such person is dissatisfied with the decision of the county committee he may, within 15 days after such decision is for-

warded to or made available to him, appeal in writing to the State Committee. The State Committee shall notify such person of its decision in writing within 30 days after the receipt of the appeal. If such person is dissatisfied with the decision of the State Committee, he may, within 15 days after such decision is forwarded to or made available to him, request the regional director to review the decision of the State Committee.

Sec. 17. *State and regional bulletins, instructions, and forms.* The Agricultural Adjustment Administration is hereby authorized to make such determinations and to prepare and issue such bulletins, instructions, and forms as may be required pursuant to the provisions hereof in administering the 1939 program in Thomas County, Kansas.

Done at Washington, D. C. this 18th day of March 1939. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

[F. R. Doc. 39-920; Filed, March 18, 1939;
12:59 p. m.]

[Docket No. A-96 O-96]

NOTICE OF HEARING WITH RESPECT TO A
PROPOSED MARKETING AGREEMENT AND A
PROPOSED ORDER REGULATING THE HAND-
LING OF TOMATOES GROWN IN EAST
TEXAS

Which Territory Includes the Counties of Cass, Bowie, Morris, Camp, Franklin, Titus, Red River, Lamar, Delta, Hopkins, Hunt, Fannin, Marion, Harrison, Panola, Shelby, Nacogdoches, Rusk, Gregg, Upshur, Smith, Cherokee, Houston, Anderson, Henderson, Van Zandt, Wood, Rains, Kaufman, Navarro, Freestone, Leon, Sabine, Newton, Orange, Jefferson, Hardin, Tyler, Jasper, San Augustine, Angelina, Trinity, Polk, San Jacinto, Liberty, Montgomery, Walker, Madison, Grimes, Brazos, Burleson, Lee, Chambers, Galveston, Brazoria, Matagorda, Calhoun, Jackson, Wharton, Fort Bend, Harris, Waller, Washington, Austin, Colorado, Lavaca, Victoria, Goliad, Dewitt, Gonzales, Caldwell, Bastrop, Fayette, San Patricio, Refugio, Rockwall, Grayson, Cooke, Collin, Denton, Tarrant, Ellis, Johnson, Bosque, Hill, McLennan, Limestone, Bell, Falls, Robertson, Williamson, Milam, Travis, Hays, Comal, Bexar, Gaudalupe, Wilson, Karnes, Frio, Atascosa, Live Oak, and Bee, in the State of Texas

Whereas, under Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, notice of hearing is required in connection with a proposed marketing agreement or a proposed order, and the General Regulations, Series A, No. 1, as amended,¹ of the

¹ F. R. 155.

Agricultural Adjustment Administration, United States Department of Agriculture, provide for such notice; and

Whereas, the Secretary of Agriculture has reason to believe that the execution of a marketing agreement and the issuance of an order will tend to effectuate the declared policy of said act with respect to such handling of tomatoes grown in East Texas as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce;

Now, therefore, pursuant to the said act and said general regulations, notice is hereby given of a hearing to be held on a proposed marketing agreement and a proposed order regulating such handling of tomatoes grown in East Texas, at the City Auditorium, Jacksonville, Texas, on March 31, 1939, at 9:30 a. m., and at the School House, Yoakum, Texas, on April 3, 1939, at 9:30 a. m.

This public hearing is for the purpose of receiving evidence as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order each provides, in similar terms, a plan for the regulation of such handling of the aforesaid tomatoes as is in the current of interstate commerce or commerce to Canada or which directly burdens, obstructs, or affects such commerce. Among other matters relating to such regulation, the proposed marketing agreement and order provide for: (a) the establishment of an Administrative Committee consisting of twelve members, eight of whom shall represent producers and four of whom shall represent handlers; (b) regulation of shipments by grade or size, or both; (c) inspection of shipments by a duly authorized representative of the Federal-State Inspection Service during periods when regulation is in effect; (d) levying of assessments by the Administrative Committee to cover expenses of administration; and (e) reports to the Administrative Committee by handlers.

It is hereby declared that an emergency exists in the handling of tomatoes grown in the aforesaid area and it is hereby determined that the period of notice of said hearing hereby given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be procured from the Hearing Clerk, Office of the Solicitor, in Room 0310, South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Dated: March 18, 1939.

[F. R. Doc. 39-918; Filed, March 18, 1939;
12:59 p. m.]

[Docket No. A-95 0-95]

NOTICE OF HEARING WITH RESPECT TO PROPOSAL TO AMEND MARKETING AGREEMENT AND ORDER NO. 22 REGULATING HANDLING OF MILK IN CINCINNATI, OHIO, MARKETING AREA

Whereas, under section 8c of Title I of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, the Secretary of Agriculture, hereinafter called the "Secretary," executed a marketing agreement and issued an order regulating the handling of milk in the Cincinnati, Ohio, marketing area, effective May 1, 1938;¹ and

Whereas, the Cincinnati Sales Association and Cooperative Pure Milk Association have proposed certain amendments to said marketing agreement and said order; and

Whereas, the Market Administrator of said marketing agreement and said order has also proposed certain amendments to said marketing agreement and said order; and

Whereas, the Secretary has reason to believe that an amendment of said marketing agreement and said order will tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; and

Whereas, under the aforesaid act, notice of hearing is required in connection with a proposal to amend an order, and the General Regulations, Series A, No. 1, as amended,² of the Agricultural Adjustment Administration, United States Department of Agriculture, provide for notice and opportunity for hearing upon amendments to marketing agreements and orders;

Now, therefore, pursuant to said act and general regulations, notice is hereby given of a hearing to be held on said proposals to amend the marketing agreement and Order No. 22 regulating the handling of milk in the Cincinnati, Ohio, marketing area at Court Room No. 820, United States Post Office and Court House, Cincinnati, Ohio, beginning at 10:00 a. m. e. s. t., on March 27, 1939.

This public hearing is for the purpose of receiving evidence as to the necessity for (1) making certain changes in the wording of said agreement and said order for the purpose of more effective administration thereof (2) revising the method of pricing milk sold outside of the marketing area, (3) providing for a deduction to finance the rendition of marketing services to "non-members" (4) reviewing the class prices, and (5) making any other changes in said marketing agreement and order.

Copies of the proposed amendments to the said marketing agreement and the

said order may be obtained from the Hearing Clerk, Office of the Solicitor, Room 0310, South Building, United States Department of Agriculture, Washington, D. C., or may be there inspected.

[SEAL]

H. A. WALLACE,
Secretary of Agriculture.

Dated: March 18, 1939.

[F. R. Doc. 39-928; Filed, March 20, 1939; 12:20 p. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE PAPER AND PULP INDUSTRY

NOTICE OF HEARING

The Public Contracts Board will hold a hearing in Room 3229, Department of Labor Building, Washington, D. C., at 10 a. m., Monday, March 27, 1939, to take testimony upon which findings of fact will be made to assist the Secretary of Labor in determining, pursuant to Section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U. S. C. Sup. III 35), the prevailing minimum wages in the Paper and Pulp Industry. The Paper and Pulp Industry shall be understood to be that industry which is engaged in the manufacture of pulp and other fiber, and the primary conversion of pulp and fiber into paper and paperboard, and in addition the manufacture and conversion of primary paper into toilet paper and paper towels, and also coated book paper.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above-named industry, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed, but they should be received by the Administrator on or before the hearing date. Five copies of all briefs must be submitted. Employers appearing in person, or by representatives, or presenting briefs, should furnish the Board with the following essential data:

- (1) Name of firm
- (2) Plant address
- (3) Total number of employees in plant
- (4) Number of male employees
- (5) Number of female employees
- (6) Classification of employees by occupations, including the number engaged in each operation
- (7) Hourly wages in each operation with designation of applicable time period
- (8) If paid on piece work basis, weekly earnings in each class of employees
- (9) Hours worked per week

This outline of suggested data is not meant to exclude the submission of any

other pertinent information which an employer may desire to submit.

Employees appearing at the hearing, either in person or by their representatives, or submitting briefs, should acquaint the Board with facts as to the wages now being paid in the industry.

Dated: March 14, 1939.

[SEAL]

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 39-913; Filed, March 18, 1939; 11:21 a. m.]

Wage and Hour Division.

NOTICE OF CHANGE IN DATE OF HEARING ON PROPOSED AMENDMENTS OF SECTION 536.2 (AREA OF PRODUCTION) OF REGULATIONS ISSUED UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Whereas, on the 28th day of February, 1939, Notice of Hearing on the Proposed Amendments of Section 536.2 (Area of Production) of Regulations Issued Under the Fair Labor Standards Act of 1938, was duly issued¹ by Elmer F. Andrews, Administrator, Wage and Hour Division, United States Department of Labor, to commence on March 23, 1939, at 10 o'clock a. m. in Room 3229, U. S. Department of Labor, Washington, D. C., on the following question:

"What, if any, amendment should be made of Section 536.2 of the regulations issued under the Fair Labor Standards Act of 1938 with respect to the processing of sugar cane into sugar (but not the refining of sugar), or into syrup, or into molasses."

Now take notice that, at the request of petitioner, Association of Sugar Producers of Puerto Rico, said hearing has been postponed to the 29th day of March, 1939, at 10 o'clock a. m., at the said designated place.

Signed at Washington, D. C., this 18th day of March 1939.

ELMER F. ANDREWS,
Administrator.

[F. R. Doc. 39-924; Filed, March 20, 1939; 11:27 a. m.]

CIVIL AERONAUTICS AUTHORITY.

[Docket Nos. 5-401-E-1, 5-401-E-2]

IN THE MATTER OF THE APPLICATIONS OF NATIONAL AIRLINES, INC.

ORDER AUTHORIZING ISSUANCE OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

At a session of the Civil Aeronautics Authority held in the city of Washington, D. C., on the 14th day of March 1939.

National Airlines, Inc., having filed applications for certificates of public convenience and necessity under section

¹ 3 F. R. 969 DI.

² 1 F. R. 155.

¹ 4 F. R. 1092 DI.

401 (e) (1) of the Civil Aeronautics Act of 1938, a hearing thereon having been held,¹ the Authority upon consideration of the record of such proceedings having issued its opinion containing its findings of fact, conclusions and decision, which is attached hereto and made a part hereof, and finding that its action in this matter is necessary pursuant to said opinion:

It is ordered, That there be issued to National Airlines, Inc., a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property and mail between the terminal point Daytona Beach, Florida, and intermediate points Orlando, Lakeland, Tampa, St. Petersburg, Sarasota, and Ft. Myers, Florida, and the terminal point Miami, Florida.

It is further ordered, That there be issued to National Airlines, Inc., a certificate of public convenience and necessity authorizing it, subject to the provisions of such certificate, to engage in air transportation with respect to persons, property and mail between the terminal point Jacksonville, Florida, the intermediate points Tallahassee, Marianna and Pensacola, Florida; Mobile, Alabama; and Gulfport, Mississippi, and the terminal point New Orleans, Louisiana.

It is further ordered, That the exercise of the privileges granted by each of said certificates shall be subject to the terms, conditions, and limitations prescribed by Regulation 401-F-1 issued by the Authority on February 24, 1939,² all amendments thereto, and such other terms, conditions, and limitations as may from time to time be prescribed by the Authority.

It is further ordered, That Special Order 401-A-6, dated October 10, 1938,³ shall automatically be vacated upon the issuance, as authorized by this order, of the certificate of public convenience and necessity in Docket No. 5-401-E-2.

It is further ordered, That each of said certificates shall be issued in the form attached hereto⁴ and shall be signed on behalf of the Authority by the Chairman of the Authority and shall have affixed thereto the seal of the Authority attested by the Secretary. Said certificates shall be made effective from the 22nd day of August, 1938.

By the Authority.

[SEAL] PAUL J. FRIZZELL,
Secretary.

[F. R. Doc. 39-930; Filed, March 20, 1939;
12:47 p. m.]

¹ 3 F. R. 2527, 2489 DI.

² 4 F. R. 1029 DI.

³ 3 F. R. 2518 DI.

⁴ Filed as a part of the original document with the Division of the Federal Register, The National Archives.

FEDERAL TRADE COMMISSION.

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of March, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3587]

IN THE MATTER OF KOLYNOS COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, April 14, 1939, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-903; Filed, March 17, 1939;
3:53 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of March, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3596]

IN THE MATTER OF THE R. L. WATKINS COMPANY, A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, April 11, 1939, at ten o'clock in the forenoon of that day (eastern standard time), in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-904; Filed, March 17, 1939;
3:58 p. m.]

United States of America—Before Federal Trade Commission

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of March, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3644]

IN THE MATTER OF FLORAL ART CARD COMPANY, INC., A CORPORATION

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Saturday, April 8, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 502-C, Federal Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-905; Filed, March 17, 1939;
3:53 p. m.]

*United States of America—Before
Federal Trade Commission*

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of March, A. D. 1939.

Commissioners: Robert E. Freer, Chairman; Garland S. Ferguson, Charles H. March, Ewin L. Davis, William A. Ayres.

[Docket No. 3699]

IN THE MATTER OF ALPHONSO M. SIMON, JR., AND PHYLLIS SCHUSTER, INDIVIDUALS DOING BUSINESS AS "METROPOLITAN PUBLISHING CO."

ORDER APPOINTING EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress, (38 Stat. 717; 15 U. S. C. A., Section 41),

It is ordered, That Arthur F. Thomas, an examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, April 7, 1939, at ten o'clock in the forenoon of that day (eastern standard time) in Room 502-C, Federal Building, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 39-906; Filed, March 17, 1939;
3:58 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1939.

[File No. 43-180]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

ORDER CONCERNING EFFECTIVENESS OF
DECLARATION

Southern Natural Gas Company, a registered holding company, having filed a declaration pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the issue and sale of a 4½% Collateral Note in the amount of \$900,000, maturing serially December 31,

1939-December 31, 1942, to the First National Bank of Birmingham, Birmingham, Alabama;

A hearing thereon having been held after appropriate notice; the record in this matter having been duly considered; and the Commission having filed its findings herein:

It is ordered, That said declaration be and become effective forthwith, on condition, however, that the issue and sale of the aforesaid note shall be effected in substantial compliance with the terms and conditions set forth in, and for the purposes represented by, said declaration.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-916; Filed, March 18, 1939;
11:40 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of March, A. D. 1939.

[File No. 32-131]

IN THE MATTER OF ALLENTOWN-BETHLEHEM GAS COMPANY

ORDER EXEMPTING ISSUE AND SALE OF BONDS
PREVIOUSLY AUTHORIZED BY A STATE
COMMISSION

Allentown-Bethlehem Gas Company, a subsidiary of The United Gas Improvement Company, a registered holding company, having duly filed with this Commission an application pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935 for exemption from the provisions of Section 6 (a) of that Act of the issue and sale by it of First Mortgage Bonds 3¾% Series due 1965 in the principal amount of \$240,000; said bonds to be sold at a private sale; and the proceeds of the said sale to be used to retire bank loans which were incurred for improvements and betterments and for refunding customers' deposits, for reimbursing its treasury for moneys expended for improvements, and in payment for the expenses of the sale;

A hearing on said application, as amended, having been duly held before a trial examiner after appropriate notice; the record in this matter having been examined and the Commission having made and filed its findings herein;

It is ordered, That the issue and sale of the said bonds be, and the same hereby are, exempted from the provisions of Section 6 (a) of the Public Utility Holding Company Act of 1935, subject, however, to the following conditions:

(1) That the issue and sale of the bonds shall be in compliance with the

14 F. R. 692 DI.
24 F. R. 1094 DI.

terms and conditions of, and for the purposes represented by said application, as amended;

(2) That such exemption shall immediately terminate without further order of this Commission if at any time the authorization by the Pennsylvania Public Utility Commission shall be revoked or shall otherwise terminate; and

(3) That within ten days after the issue and sale of the bonds the applicant shall file with this Commission a certificate of notification showing that such issue and sale have been effected in accordance with the terms and conditions and for the purposes represented by said application, as amended.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-915; Filed, March 18, 1939;
11:40 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 18th day of March, A. D. 1939.

[File No. 1-2248]

In the Matter of SIMON SILVER-LEAD MINES, INC., COMMON CAPITAL STOCK, \$1 PAR VALUE

ORDER DESIGNATING ADDITIONAL OFFICER TO
TAKE EVIDENCE AT A HEARING

The Commission having heretofore, on October 31, 1938, ordered that a hearing be held in this matter, pursuant to Section 19 (a) (2) of the Securities Exchange Act of 1934, as amended, and having designated John G. Clarkson, an officer of the Commission, to take evidence at such hearing; and

Such hearing having been duly convened and thereafter adjourned by such officer to be reconvened at Washington, D. C. on a date to be subsequently designated;

It is ordered, That Charles S. Moore, an officer of the Commission, be and he hereby is also designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law; and

It is further ordered, That such hearing be reconvened at 10:00 o'clock in the forenoon, on the 7th day of April, 1939, at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.

Upon completion of testimony in this matter, the hearing shall be closed, and

13 F. R. 2606 DI.

the officers shall make their report to the Commission.

By direction of the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-914; Filed, March 18, 1939;
11:40 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1939.

[File No. 46-132]

IN THE MATTER OF MASSACHUSETTS UTILITIES ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

An application pursuant to section 10 (a) (1) of the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on March 31, 1939, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public

interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 25, 1939.

The matter concerned herewith is in regard to an application by Massachusetts Utilities Associates, a subsidiary of New England Power Association, a registered holding company, for the approval of the acquisition by applicant from New England Gas and Electric Association of all the outstanding capital stock of Middlesex County Electric Company, consisting of 2,000 shares, \$25 par value common shares, and from Electric Associates, Inc. of all open account indebtedness of Middlesex County Electric Company to Electric Associates, Inc. amounting to \$281,000 in exchange for \$210,438.80 in cash and all the outstanding shares and certain debt of Marlborough-Hudson Gas Company and Milford Gas Light Company, present subsidiaries of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-926; Filed, March 20, 1939;
11:42 a. m.]

*United States of America—Before the
Securities and Exchange Commission*

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of March, A. D. 1939.

[File No. 57-5]

IN THE MATTER OF MERRIMAC VALLEY POWER AND BUILDINGS COMPANY

NOTICE OF AND ORDER FOR HEARING

An application pursuant to Rule U-12D-1 under the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter be held on March 30, 1939, at 10:00 o'clock in the forenoon of that day,

at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice to continue or postpone said hearing from time to time.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 25, 1939.

The matter concerned herewith is in regard to an application by Merrimac Valley Power and Buildings Company, an indirect subsidiary of New England Power Association, a registered holding company, pursuant to Rule U-12D-1 of said Act for the approval of the sale of certain utility assets of the applicant, consisting of water storage reservoirs in the towns of Amesbury and Merrimac, Massachusetts, with flowage and water rights appurtenant thereto, and hydroelectric plants and properties situated in Amesbury, and also certain buildings and structures in Amesbury to Amesbury Electric Light Company, also an indirect subsidiary of New England Power Association, for the sum of \$215,751.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 39-927; Filed, March 20, 1939;
11:42 a. m.]

